The City Council of the City of Raleigh met in regular session on Tuesday, May 3, 1983, at 1:00 p.m. in the City Council Chamber of the Municipal Building with the following present:

Mayor York, Presiding
Ms. Babb
Mr. Calloway
Mr. Edwards
Mr. Jordan
Mr. Keller
Mr. Upchurch
Mr. Walters

Mayor York called the meeting to order and invocation was rendered by The Reverend John Bush of Saint Giles Presbyterian Church, after which, the following matters were discussed with action taken as shown.

RECOGNITION OF SPECIAL AWARDS

PROCLAMATION - OBSERVANCE OF DAY OF PRAYER - PROCLAIMED

Mayor York read a proclamation proclaiming May 5, 1983, as an Observance of Day of Prayer in the City of Raleigh. He indicated it is requested that all churches ring their bells at noon on this day. The proclamation was received by Reverend Bush.

LONGVIEW COMMUNITY CLUB - CONTRIBUTION - RECEIVED

Mrs. Dorothy Smith, treasurer of the Longview Community Club was at the meeting to present a $100 check in appreciation of the Parks Department for the gardens at the corner of New Bern Avenue, North King Charles and the circle on North King Charles. The contribution was received by Mayor Pro Tem Walters who commended the Longview Community Club pointing out this is becoming an annual event. Mrs. Smith indicated these gardens were constructed and are called the Longview Bicentennial Gardens.

PROCLAMATION - PRESERVATION WEEK IN RALEIGH - PROCLAIMED

Mayor York read a proclamation proclaiming May 8 - 14, 1983, as Preservation Week in Raleigh. The proclamation was received by Barbara Wishy, Chairman of the Historic Properties Commission. Ms. Wishy expressed appreciation to the Council for their continued support.

BICYCLES - 1983 OUTSTANDING LOCAL GOVERNMENT AWARD - ANNOUNCED

Mayor York explained the Bicycle Program in the City of Raleigh and work the City has carried on in regard to this program. He indicated as a result of this program, the City has been selected to receive the 1983 Outstanding Local Government Award presented by the North Carolina Department of Transportation and the North Carolina Bicycle Committee. He indicated this award is to be presented on Friday, May 6, at 3:00 p.m. at the DOT building. He indicated he would be out of town and would suggest the City Manager and maybe a member of the City Council or Planning Department attend to receive the award on behalf of the City of Raleigh.

CONSENT AGENDA

CONSENT AGENDA - APPROVED AS PRESENTED

Mayor York presented the Consent Agenda explaining all items are considered to be routine and may be enacted by one motion. He indicated if a Council person requests discussion on an item, the item will be removed from the Consent Agenda and considered separately. The vote on the Consent Agenda will be a roll call vote. No one asked to remove any items. Mr. Walters MOVED THAT ADMINISTRATION'S RECOMMENDATION AS OUTLINED ON THE CONSENT AGENDA BE UPHELD. His motion was seconded by Mr. Edwards, and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

The items on the Consent Agenda were as follows:

PRIVILEGE LICENSE - R & B LOUNGE - APPROVED

This was a privilege license application for R & B Lounge, 217 West Martin Street, in the name of the owner, Martin West, Jr. The application requiring Council approval is for a dance hall. No licenses have been issued. ZONING AND POLICE REPORTS INDICATE APPROVAL. Consent Agenda approval: Walters/Edwards - 8 ayes.

JOBS BILL - PROGRAMMING AND UTILIZATION - PUBLIC HEARING AUTHORIZED

As a result of the enactment of the Jobs Bill, the City of Raleigh, as an entitlement city, is projected to receive $675,000 to be utilized for implementation of Community Development activities.

Administration is suggesting that we treat these funds, relative to the public hearing, just as we do regular Community Development funds and have two (2) public hearings relative to budgets and programs.

RECOMMENDATION: It is recommended that City Council authorize a public hearing for comments by citizens for programming and utilization of these additional funds and set the first hearing for the Council Meeting of May 17, 1983. Consent Agenda approval: Walters/Edwards - 8 ayes.

Consent Agenda approval: Walters/Edwards - 8 ayes.

FINANCE DIRECTOR - REAPPOINTMENT - AUTHORIZED

Section 6.3 of the City Charter provides that:

"It shall be the duty of the City Council on or before the first day of June in each odd year, to appoint, upon the advice and recommendation of the City Manager, some person of honesty and ability whose experience, training and qualifications have been approved by the Local Government Commission of the State of North Carolina, as city accountant of the City of Raleigh, who shall also be known as the director of finance, and he shall hold such office or position at the will of the City Council or until such approval has been revoked by the Local Government Commission, or until the appointment of his successor."

RECOMMENDATION: This is the odd year for such confirmation and, as City Manager, I recommend the reappointment of our current Finance Director, Z. Bryan Hill.

Consent Agenda approval: Walters/Edwards - 8 ayes.

CAPITOL AREA HOUSING STUDY - EXTENSION OF CONTRACT WITH FORAN/GREER, INC. - APPROVED

Foran/Greer, Inc., has nearly completed the work on the Capitol Area Housing Study. The time for services ends on Friday, April 29. There are yet some presentations to be made to State Officials for which the consultant's continued assistance would be necessary.

RECOMMENDATION: Council is requested to extend the time of the consultant's services up to 60 days for which no additional appropriation will be required. The consultant has agreed to this extension.

Consent Agenda approval: Walters/Edwards - 8 ayes.

GARBAGE COLLECTION SERVICES - AREAS TO BE ANNEXED - DECEMBER 31, 1983 - RECOMMENDATION UPHELD

The four geographic areas to be annexed include combinations of residential and commercial garbage collection sites. This represents the largest single increase in commercial services which the City has experienced with an estimated 155 dumpmaster type container collection points and 10 roll-off type container collection points.

The Public Works Director estimated the following would be required to serve this area:

Residential - one new vehicle and crew
Commercial dumpmaster service - one new vehicle and crew
Commercial roll-off service - increase in contract for this service

The City Council has previously funded the purchase of two vehicles so that they would be available for initiation of service upon annexation.

RECOMMENDATION: After a review of the collection needs for this area, it is recommended that the following plan be used:

(a) For regular residential service, the new vehicle would be acquired and a crew added to commence service upon annexation.

(b) For the commercial services the new front-loading vehicle would not be acquired and the City would submit requests for bids for a contract to provide this service for both the dumpmaster and roll-off units. This action plan would necessitate the Council approving a rejection of the bid previously submitted to the City for the purchase of this unit.

While the details of the specifications for soliciting bids for contract services have not been developed, it is anticipated that they would include a service period of December 31, 1983, to June 30, 1985, and awarding would be contingent upon the evaluation of vendor price proposals.

Consent Agenda approval: Walters/Edwards - 8 ayes

EASEMENT - CP&L - APPROVED CONDITIONALLY

We have received a request for a proposed 750 feet by 30 feet easement from Carolina Power and Light Company to cross a corner of the City's sanitary landfill to extend an electrical service line to C. R. Hassinger Construction Company property, which abuts the eastern side of the landfill. This easement will be located within a 100 foot wide buffer strip along the landfill perimeter and will have no deleterious effect upon landfill operations.

RECOMMENDATION: Approval of the easement is recommended provided there is an agreement by CP&L or the construction company to remove the electrical service at no cost to the City upon request by the City.

Consent Agenda approval: Walters/Edwards - 8 ayes.

LIMOUSINE SERVICE FRANCHISE - POLK LIMOUSINE SERVICE - APPROVED ON SECOND AND FINAL READING

During the April 19, 1983, Council Meeting, the City Council approved an application for limousine service in the name of Ones E. Polk, Polk Limousine Service (New Franchise). IT IS RECOMMENDED THAT THE APPLICATION BE APPROVED ON A SECOND AND FINAL READING.

Consent Agenda approval: Walters/Edwards - 8 ayes.

TAXICAB OWNER'S PERMITS - VARIOUS - APPROVED ON SECOND AND FINAL READING

During the April 19, 1983, Council Meeting, the City Council approved several applications for taxicab owner's permits on a first reading. IT IS RECOMMENDED THAT THE CITY COUNCIL APPROVE THE FOLLOWING TAXICAB OWNER'S PERMITS ON A SECOND AND FINAL CONSIDERATION:

Henry Benjamin Murray, Southern Cab Company (New Franchise); William Leonard Roberts, Lincoln Cab Company (New Individual Owner's Permit)

Consent Agenda approval: Walters/Edwards - 8 ayes.

STORM DRAINAGE INSTALLATION - 1819 - 1829 RIDGE ROAD - APPROVED

Under City policy, we have received the following request for assistance to install storm drainage on private property:

Address: 1819-1829 Ridge Road
(This is a multi-ownership project.)
Number of feet and size of pipe:
340 feet of 15-inch pipe
City cost estimate: $1,696 - labor;
$735 - equipment. Total cost - $2,431.00

RECOMMENDATION: Administration recommends approval. Consent Agenda approval: Walters/Edwards: 8 ayes.

BUDGET AMENDMENTS - PARKS AND RECREATION DEPARTMENT - APPROVED

A budget amendment in the amount of $25,000 to provide funds for salaries for the remainder of the fiscal year relating to Optimist Pool and $13,000 for salaries for the remainder of the fiscal year with funds from Motor Vehicles Maintenance relating to Pullen Park was presented. ADMINISTRATION RECOMMENDS APPROVAL OF THE BUDGET AMENDMENTS AS OUTLINE.

Consent Agenda approval: Walters/Edwards - 8 ayes.

ORDINANCE NO. (1983) 105

AN ORDINANCE TO AMEND THE 1982/1983 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1982/1983 Budget ordinance be amended to reflect acceptance of contribution from Longview Community Club for beautification of gardens at corner of New Bern Avenue, North King Charles and The Circle:

Revenue:		
37-1-0070-200	Misc. Income	$100.00
Expense:		
37-2-3000-169	Longview Community	$100.00

Section 2. That the 1982/1983 Budget be amended as follows to provide funds for salaries for the remainder of the fiscal year:

Revenue:		
18-1-0070-204	Optimist	$25,000.00
Expense:		
18-2-0050-100	Salaries	$25,000.00

Section 3. That the 1982/1983 Budget be amended as follows to provide funds for salaries for the remainder of the fiscal year:

Revenue:		
18-1-0070-202	Pullen	$13,000.00

Expense:		
18-2-0200-100	Salaries	$12,000.00
18-2-0200-230	Motor Veh. M&O	1,000.00

Section 4. That the 1982/1983 Budget be amended as follows to reflect funding of Spring Forest Road Improvements:

Revenue:		
32-1-0900-220	Carryover Res.	500,000.00
32-1-0080-215	Powell Bill Spr. For.	200,000.00
Expense:		
32-2-5040-100	Spring Forest Road East	700,000.00

Adopted: 5/3/83

REIMBURSEMENT CONTRACTS - DEVELOPMENT ASSOCIATES - APPROVED

Two reimbursable contracts have been prepared for Council approval and the Mayor's signature. Costs have been certified by the Central Engineering Department.

Development Associates,8-inch water line, Sawmill Road and Halstead Lane - $146.00

Extra width streets, Sawmill Road, NC 50, Halstead Lane - $14,764.99

RECOMMENDATION: Approval is recommended and authority for the Mayor's signature is requested. Consent Agenda approval: Walters/Edwards - 8 ayes.

CETA OJT CONTRACT - INFORMATION RECEIVED

On April 26, 1983, the City Manager signed a modification contract with the Holiday Inn, which provides training for one additional person. The contract period is for five months and will have a total CETA cost of $1,056.44. This was approved by the City Manager according to Council procedure. The item was received as information.

BEAVERDAM CREEK RESERVOIR - RELEASE FROM LEASE DACW 21-175-638 - INFORMATION RECEIVED

Administration has received a letter dated April 12, 1983, giving notice of termination of Beaverdam Creek Reservoir lease agreement effective March 31, 1983, from the Savannah District, U.S. Corps of Engineers. This instrument is signed by Mr. Guy Parsons of the Savannah District.

UTILITY FIELD OPERATIONS CENTER - CHANGE ORDER 1 - AAA ELECTRICAL COMPANY - APPROVED - FUNDS APPROPRIATED

Change order number 1 in the amount $1,345 was presented relating to the Utility Field Operations Center. The Agenda listed the reason for the change order and budget amounts that would need to be amended if the change order is approved. ADMINISTRATION RECOMMENDS APPROVAL OF THE CHANGE ORDER WITH AAA ELECTRICAL COMPANY AND THE ASSOCIATED TRANSFER AS OUTLINED ON THE AGENDA. Consent Agenda approval: Walters/Edwards - 8 ayes.

RESOLUTION NO. (1983) 222 TF 38

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 29, 1982, and included in the budget for the fiscal year ending June 30, 1983, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

	CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From:	08-2-0000-001	Council Reserve	$200,000.00
To:	08-2-0000-909	To FD 32 Spring Forest	200,000.00
Purpose:	To partially fund Spring Forest Road.		
From:	84-2-1110-000	54" Water Transmission Main	$ 1,345.00
To:	84-2-1010-401	Operations Center - Electrical	1,345.00
Purpose:	Contract Change Order - AAA Electrical Company, #1.		
From:	31-2-1000-100	Sidewalk Bond	$ 12,981.00
To:	31-2-1020-301	PW 1982-4	12,981.00
Purpose:	Contract Change Order - Sidewalk Construction - Gelder and Associates, Inc., #2.		
From:	32-2-3000-110	Atlantic Avenue	$502,201.00
From:	32-2-3000-120	Atlantic Avenue	97,799.00
To:	32-2-3000-103	Right of Way	600,000.00

Purpose:	To establish account for right of way acquisition for Atlantic Avenue section south of Hodges Street.		
From:	43-2-9080-300	Contingency	$ 1,108.31
To:	43-2-9090-240	Printing & Repro.	750.00
To:	43-2-9100-240	Printing & Repro.	358.31
Purpose:	To provide sufficient funds for payment of copy machine fees during FY 81-82.		
From	01-2-7020-610	Truck, Fifteen Ton w/Dual Axle	$ 8,600.00
To:	01-2-6020-615	Truck, Pickup, 3/4 Ton	3,600.00
To:	01-2-6030-605	Pickup 3/4 Ton	4,200.00
To:	01-2-6050-702	Pickup	800.00
Purpose:	To provide additional funds required to purchase approved capital equipment.		
From:	01-2-5020-230	Motor Veh. M&O	$ 2,900.00
To:	01-2-5060-230	M&O	2,900.00
Purpose:	Provide funds for remainder of FY.		
From:	32-2-4475-106	Ferndell Contingency	$ 22,635.00
From:	32-2-1000-100	Reserve-Council Projects	33,365.00
To:	32-2-3100-102	Spring Forest Road	56,000.00
Purpose:	Spring Forest Road Extension - Design Services.		

Adopted: 5/3/83

ORDINANCE NO. (1983) 106 TF 18

AN ORDINANCE TO AMEND THE 1982/1983 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That $41,380.00 of the General Fund Contingency appropriation, Code Account 01-2-1040-001, is hereby transferred from that appropriation and added to the appropriations made in the 1982/1983 budget ordinance as follows:

$1,380.00 to Code Account 01-2-3020-100, Salaries, to fund OA IV for 1 1/2 months in FY 82-83 to work with tax bills in newly annexed areas - four and one half months for some positions will be funded in FY 83-84.

$25,000.00 to Code Account 01-2-1040-209, Employee Lia. Compensation, to supplement worker's compensation account to pay medical and weekly compensation expenses through the remainder of FY.

$15,000.00 to Code Account 01-2-1230-281, Street Lighting, to fund consultant for street light study - Effective July 1, 1983 per ZBH.

Adopted: 5/3/83

P.W. 1982-4 - CHANGE ORDER #2 - GELDER AND ASSOCIATES, INC. - APPROVED - FUNDS APPROPRIATED

Change order number 2 relating to Gelder and Associates, Inc., in connection with P.W. 1982-4 was presented. This change order is an addition of $12,981 and is needed to add Six Forks, Lassiter Mill Road and Lake Boone Trail sidewalk construction. The Agenda listed the budget accounts that would need to be amended if the change order is authorized with the source of funds being sidewalk bond. ADMINISTRATION RECOMMENDS APPROVAL OF THE CHANGE ORDER AND TRANSFER AS OUTLINED. Consent Agenda approval: Walters/Edwards - 8 ayes. See Resolution 223 TF 38.

TRANSFERS - ADMINISTRATIVE - MANAGERS CONCURRED WITH

Council Members received in their Agenda packet a list of administrative transfers which have been approved according to Council procedure. Concurrence with the Manager's recommendation is recommended. Consent Agenda approval: Walters/Edwards - 8 ayes. The transfers were as follows:

FROM	TO	AMOUNT
18-2-0500-225	18-2-0500-705	$ 26.02
18-2-0700-225	18-2-0700-260	300.00
18-2-0700-255	18-2-0700-260	100.00
18-2-0200-225	18-2-0200-221	6.51
19-2-8350-534	19-2-8350-279	50.00
06-2-7030-258	06-2-7030-226	500.00
01-2-1020-212	01-2-1020-265	75.00
01-2-1020-212	01-2-1020-221	300.00
01-2-1100-266	01-2-1100-260	200.00
01-2-1100-266	01-2-1100-231	200.00
01-2-1110-260	01-2-1110-213	100.00
01-2-1090-231	01-2-1090-213	9.00
01-2-1210-235	01-2-1210-295	286.00
01-2-5050-227	01-2-5050-230	450.00

01-2-5020-260	01-2-5020-603	120.71
06-2-7030-258	06-2-7030-255	800.00
18-2-0100-225	18-2-0100-705	20.94
01-2-5020-616	01-2-5020-631	3.00
01-2-5020-620		197.00
01-2-5020-702		159.00
43-2-4010-232	43-2-4010-230	400.00
01-2-4110-704	01-2-4130-700	600.00
18-2-0200-260	18-2-0200-230	237.00
18-2-0200-243		310.00
18-2-0200-260		403.00
01-2-1230-220	01-2-1230-266	588.00
43-2-4100-260	43-2-4100-213	34.20
01-2-4040-620	01-2-4040-260	950.00
18-2-0100-225	18-2-0100-221	150.00

TRANSFERS - WITHIN VARIOUS ACCOUNTS - RESOLUTION AND ORDINANCE ADOPTED

The Agenda presented various transfers within certain accounts and appropriations from contingencies for purposes as set out in the Agenda. ADMINISTRATION RECOMMENDS APPROVAL OF THE TRANSFERS AND APPROPRIATIONS AS OUTLINED AND FOR THE REASONS STATED. Consent Agenda approval: Walters/Edwards - 8 ayes. See Resolution 222 TF 38 and Ordinance 106 TF 18.

PU 1983-8 AND 9 - BODDIE DRIVE - RESOLUTION ADOPTED

It is recommended that approximately 460 feet (±) of 6-inch water main be installed at the above location. Estimated cost is $9,200. It is recommended assessment be based on front footage method. It is requested that Council adopt a resolution of intent and set a public hearing date for June 7, 1983.

It is recommended that approximately 460 feet (±) of 8-inch sanitary sewer main be installed at the above location. Estimated cost is $11,500. It is recommended that the assessment be based on front footage method. It is requested that Council adopt a resolution of intent and set a public hearing date for June 7, 1983.

ADMINISTRATION RECOMMENDS ADOPTION OF THE RESOLUTION OF INTENT AS OUTLINED. Consent Agenda approval: Walters/Edwards - 8 ayes.

RESOLUTION NO. (1983) 223

A RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO EXTEND THE WATER AND SEWER SYSTEM OF THE CITY OF RALEIGH AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFOR AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, the City Council of the City of Raleigh is authorized by Article 10 of Chapter 160A of the General Statutes of North Carolina to direct that the water and sewer system of the City of Raleigh be constructed, reconstructed, extended and otherwise improved and the cost thereof to be assessed against lands assessable therefor; and

WHEREAS, the City Council of the City of Raleigh finds it to be in the best public interest to construct water and sewer mains located and described as follows:

(a) PU 1983-8 - Installation of approximately 460 feet ± of six inch water main in Boddie Drive from New Hope Church Road to dead end.

(b) PU 1983-9 - Installation of approximately 460 feet ± of eight inch sanitary sewer main in Boddie Drive from New Hope Church Road to dead end.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the above described improvements be made and that the costs thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to the provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessments will be made according to the following method: Front footage of property abutting the extension.

Section 3. That the terms and manner of payment of the assessments herein provided for shall be as follows: That said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6 percent per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 4. That a public hearing on all matters covered by this resolution shall be held on the 7th day of June, 1983, at 7:00 p.m., in the Council Chamber, Room 315, Municipal Building, or as soon thereafter as the matter can be reached.

Adopted: May 3, 1983

TRAFFIC - VARIOUS CHANGES - ORDINANCE ADOPTED; OVERSIZED DRIVEWAY SINGLETON INDUSTRIAL DRIVE - APPROVED

The Agenda recommended changes relating to the No Parking zones on on portions of Polk Street and West Street, private bus use of CAT bus stop relating to the Raleigh Transportation Services Bus Company to use the existing CAT bus stop on Davie Street immediately east of the Fayetteville Street Mall, truck loading zones on Wilmington Street and yield signs in the Cedar Hills Estates subdivision. The Agenda also indicated the Department of Transportation recommends that the City Council approve a variance from the City Code in allowed driveway widths for the UPS property, located on Singleton Industrial Drive.

The Department has received a request from United Parcel Service (UPS) for approval of a 40-foot wide driveway into their facility, located on Singleton Industrial Drive. The maximum commercial driveway width permitted in the Code is 36 feet; however, under Section 7-2003(j) the Council can grant a variation from the provisions in the Code. Because of the large amount of truck traffic into this facility and the configuration of their frontage on the dead end street, Administration recommends approval of this request for a 40-foot driveway.

ADMINISTRATION RECOMMENDS APPROVAL OF THE ITEMS AS OUTLINED ON THE AGENDA. Consent Agenda approval: Walters/Edwards - 8 ayes.

ORDINANCE NO. (1983) 107

AN ORDINANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Traffic Schedule No. 3 entitled YIELD SIGNS be amended by adding the following:

Farley Drive at Knollwood Drive
Knollwood Drive at Rosehaven Drive
Myrtlewood Court at Knollwood Drive

Section 2. That schedule No. 13 entitled NO PARKING ZONES be amended by adding the following:

Polk Street, south side, beginning at a point 170 feet east of Wilmington Street, eastward 75 feet
West Street, west side, from Dortch Street, southward 312 feet, 7:00 a.m. to 6:00 p.m.
West Street, west side, beginning at a point 615 feet south of Dortch Street, southward to Cleveland Street, 7:00 a.m. to 6:00 p.m.

Amend said section further by deleting the following:

West Street, west side, between Dortch Street and Cleveland Street, 7:00 a.m. to 6:00 p.m.

Section 3. That Schedule No. 18 entitled TRUCK LOADING ZONES be amended by adding the following:

Wilmington Street, west side, beginning at a point 22 feet south of Martin Street, southward 70 feet, 7:00 a.m. to 9:00 p.m.

Amend said section further by deleting the following:

Wilmington Street, west side, beginning at a point 22 feet south of Martin Street, southward 70 feet

Section 4. That Schedule No. 19 entitled BUS ZONES be amended by adding to the entry in Traffic Schedule No. 19, which reads, "Davie Street, south side, from Fayetteville Street Mall eastward 40 feet," the following words:

"(Raleigh Transportation Service)"

Section 5. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. That this ordinance shall become effective May 10, 1983.

Adopted: May 3, 1983

Effective: May 10, 1983

END OF CONSENT AGENDA

SPECIAL ITEMS

ALCOHOLIC BEVERAGES ON CITY PROPERTY - CLARIFYING ORDINANCE ADOPTED

During the April 19, 1983, Council Meeting, the City Council directed the City Attorney to draft an ordinance clarifying the City Code relating to the consumption of alcoholic beverages on City property so that it is understood that only beer and/or wine including champagne would be allowed. Council Members received in their Agenda packets a proposed ordinance which is recommended for adoption.

City Attorney McCormick indicated basically there are five places on City property that alcoholic beverages are allowed and they include Theatre in the Park, Raleigh Little Theatre, Mordecai Historic Square, Civic Center and portions of the Mall relating to the Outdoor Dining Ordinance. He indicated this specific clarifying ordinance relates to Theatre in the Park, Raleigh Little Theatre and the Mordecai Historic Square. He indicated mixed drinks would be still be allowed in the Civic Center as they have all of the ABC permits, etc., and mixed drinks would also still be allowed in the facilities that have complied with the outdoor dining ordinance provided they meet all of the ABC laws, etc. Mr. Upchurch questioned if this proposed ordinance could be amended to include the Mall and the Civic Center still be exempted and allowed to serve mixed drinks, with the City Attorney indicating it could, if that is the Council's desire. Mr. Upchurch indicated he didn't see the Mall any different from the Raleigh Little Theatre, Mordecai Historic Square or the Theatre in the Park. He stated the Civic Center is different because it is inside of a building. He stated he feels the other areas should be treated alike. The City Attorney explained the proposed ordinance in full, the outdoor dining ordinance in full and the fact that the Civic Center has its ABC permits. This proposed ordinance relates only to the three places that the City has agreed to allow beer and wine and it just clarifies that it is beer and wine including champagne only and again pointed out these three places are the Theatre in the Park, Raleigh Little Theatre and Mordecai Square. He indicated it does not change the provisions and the requirements that have to be met before alcoholic beverages are served in these three locations. Ms. Babb MOVED THE CLARIFYING ORDINANCE RELATING TO CONSUMPTION OF ALCOHOLIC BEVERAGES AS PRESENTED IN THE AGENDA PACKET BE ADOPTED. Her motion was seconded by Mr. Jordan.

Lengthy discussion followed with Mr. Walters pointing out he did not think that we should allow alcoholic beverages on any public property at any time. He stated he is informed that no one has any intention of using the outdoor dining ordinance. He stated he will have to vote against the ordinance as presented. Mayor York indicated if you vote against the ordinance as presented then that would mean that "hard liquor" could be served at Raleigh Little Theatre, Theatre in the Park and Mordecai Square. Discussion took place with it being pointed out that if the Council wants to prohibit alcoholic beverages on the Mall under the conditions set out in the Outdoor Dining Ordinance then that ordinance should be amended but that this particular ordinance only relates to the three park areas as previously mentioned with Mayor York pointing out that this particular ordinance has no affect on the Mall whatsoever.

Mr. Edwards indicated he feels that we are all in a state of confusion as to what is taking place. He indicated when the Outdoor Dining Ordinance was adopted, he had the feeling that it should go to public hearing. He stated he would move that we rescind the previous action relating to the Outdoor Dining Ordinance. His motion was seconded by Mr. Upchurch. Mayor York indicated that is not an appropriate substitute motion as the ordinance that is on the floor doesn't even apply to the Mall. Brief discussion took place and Mr. Edwards and Mr. Upchurch withdrew their substitution motion. Mr. Walters made a substitute motion that the ordinance before Council be tabled and placed on the next Agenda which was seconded by Mr. Upchurch and put to a vote with results as follows: Ayes - Walters, Upchurch and Edwards; Noes - York, Babb, Calloway, Jordan, and Keller. The Mayor ruled the motion defeated. The original motion to approve the ordinance as presented by the City Attorney was put to a vote which resulted in all members voting in the affirmative except Mr. Walters and Mr. Edwards who voted in the negative. THE MAYOR RULED THE MOTION ADOPTED. See Ordinance 108.

Mr. Edwards indicated at the last meeting, the City Council approved an ordinance relating to outdoor dining and he would like to rescind that action. The City Attorney indicated the appropriate motion would be to rescind the ordinance. In response to questioning, City Attorney McCormick indicated the ordinance has been adopted, a standard procedure adopted and he understands an application has been received for outdoor dining on the Fayetteville Street Mall. Brief discussion took place and Mr. Edwards moved that the City Council rescind the ordinance adopted during the April 19, 1983, meeting relating to alcoholic beverages and outdoor dining on pedestrian malls. His motion was seconded by Mr. Upchurch. Lengthy discussion took place with various Council Members voicing their opinion on public input on this ordinance, work that had gone on in the downtown area, trying to revitalize the area, planning for the revitalization of Downtown with Council Members voicing their opinion on the Outdoor Dining Ordinance and whether it should stand or be repealed after which the motion was put to a vote with results as follows: Ayes - Walters, Edwards and Upchurch; noes - Babb, Calloway, Jordan, Keller and York. THE MAYOR RULED THE MOTION DEFEATED AND INDICATED NO ACTION WOULD BE TAKEN TO REPEAL THE OUTDOOR DINING ON PEDESTRIAN MALL ORDINANCE.

ORDINANCE NO. (1983) - 108

AN ORDINANCE TO AMEND SECTION 12, CHAPTER 4 OF THE RALEIGH CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH that:

Section 1. Section 12-4001 of the Raleigh City Code is hereby repealed and rewritten as follows:

"Section 12-4001. Consumption of Alcoholic Beverages on City Property or Public Vehicular Areas

Except as provided by this chapter, it shall be unlawful for any person to consume any alcoholic beverage as defined by G.S. 18B on or within the rights-of-way of the municipal streets, boulevards, alleys, and sidewalks, in municipal parks and buildings, or other property owned or occupied by the City."

Section 2. Sections 12-4002, 12-4003 and 12-4004 of the Raleigh City Code are hereby amended by deleting the phrase "intoxicating liquor" therefrom everywhere it appears and substituting therefor the phrase "malt beverages and unfortified wine." These sections are further amended by deleting all references to "Section 18A-2 of the General Statutes" and replacing them with references to "Chapter 18B of the General Statutes."

Section 3. All laws and portions of laws in conflict herewith are hereby repealed to the extent of such conflict.

Adopted: 5/3/83

Effective: 5/3/83

REPORT OF THE PLANNING COMMISSION

PLANNING COMMISSION CONSENT AGENDA - APPROVED AS AMENDED

Mayor York presented the Planning Commission Consent Agenda indicating it would be handled in the same manner as the regular Consent Agenda. Mr. Walters REQUESTED THAT CR-1933 (CP-1-83) BE WITHDRAWN. Mr. Upchurch requested that CR-1942 (Z-52-83), CR-1948 (Z-59-83) AND CR-1936 (Z-45-83) BE WITHDRAWN. Mr. Edwards REQUESTED THAT HE BE EXCUSED FROM VOTING ON CR-1927 (S-42-83). Without objection, Mr. Edwards was excused from participation on that matter. Mr. Jordan requested THAT CR-1909 (SC-192) BE WITHDRAWN. Without objection, all items as requested were withdrawn. Mr. Edwards MOVED THE PLANNING COMMISSION'S RECOMMENDATION ON THE REMAINING ITEMS ON THE PLANNING COMMISSION CONSENT AGENDA BE APPROVED. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. The items on the Planning Commission's Consent Agenda were as follows:

SUBDIVISION S-90-81 - VILLAGE-ON-THE-GREEN TOWNHOUSES, PHASE IV B and V B - APPROVED WITH CONDITIONS

This was a request for approval to construct 66 townhomes, each on its own lot, on a 9.4 acre portion of the total Village-on-the-Green Subdivision which is zoned Residential-4 and developing as a Planned Unit Development.

The property is located on the north side of Lynn Road, east of Lead Mine Road and bounded on the east by Lead Mine Creek, outside the City Limits.

CR-1924 from the Planning Commission recommended that this request be approved according to a map entitled, "Village-on-the Green Townhouses, Phase IV B and V B," the property of Paragon Development Company, drawn by John W. Harris, dated August 4, 1981, revised February 4, 1983, with the condition that, if a non-profit homeowners association is formed, the legal documents be reviewed and approved by the City Attorney's Office prior to recording the final plat. Consent Agenda approval: Edwards/Calloway - 8 ayes.

SUBDIVISION S-109-82 - TOWER COMMERCIAL PARK, PHASE III - APPROVED

This was a request for approval to subdivide 37 acres into 32 lots and one large tract, zoned Residential-6 and Industrial-I.

The property is located on the west side of Trawick Road, between Telex Communications and Timberlake Subdivision, outside the City Limits.

CR-1925 from the Planning Commission recommended that this request be approved according to a map entitled, "Tower Commercial Park, Phase III," the property of Development Associates, drawn by Triangle Engineering and Surveying and Jerry Turner and Associates, dated (revised) November 17, 1982. Consent Agenda approval: Edwards/Calloway - 8 ayes.

SUBDIVISION S-42-83 - MILL RUN CONDOMINIUMS - APPROVED WITH CONDITIONS

This was a request for approval to develop a 190-unit condominium project (54 detached units and 136 attached units) on 19.38 currently vacant acres, zoned Residential-10, providing 220 parking spaces.

The property is located on the southwest corner of Duraleigh and Ebenezer Church Roads, outside the City Limits.

CR-1927 from the Planning Commission recommended that this request be approved according to a map entitled, "Mill Run," the property of Olde Raleigh Development Company, drawn by Dockery, Hunter, Reynolds and Jewell, PA and John A. Edwards and Company, dated March 1, 1983, revised March 3, 1983 and April 18, 1983, with the condition that the legal documents for the non-profit homeowners association be approved by the City Attorney's Office prior to recording the final plans. Consent Agenda approval: Edwards/Calloway - 8 ayes (Mr. Edwards' vote did not count in this item as he was excused during the vote on the Consent Agenda.)

SC-189 - GROCERY BOY RENOVATIONS - APPROVED

This was a request for approval to add a 24 x 24-foot canopy over the existing gasoline pumps at an existing convenience market.

The property is located on the southeast corner of Carolina Pines Avenue and Lake Wheeler Road, inside the City Limits.

CR-1930 from the Planning Commission recommended that this request be approved according to a map entitled, "Grocery Boy Renovations," the property of G & C Properties, drawn by J. E. McCaffrey, undated. Consent Agenda approval: Edwards/Calloway - 8 ayes.

TC-227 - INDIVIDUAL STORAGE FACILITIES - APPROVED AS AMENDED

This was a request for approval to to amend Sections 10-2034, 10-2036 and 10-2002 to allow individual storage facilities in areas other than Industrial districts.

CR-1931 from the Planning Commission recommended that TC-227, as amended, be approved according to the proposed ordinance attached to CR-1931. Consent Agenda approval: Edwards/Calloway - 8 ayes.

ORDINANCE NO. (1983) 109 TC 181

AN ORDINANCE TO PERMIT INDIVIDUAL STORAGE FACILITIES IN SHOPPING CENTER ZONING DISTRICTS

WHEREAS, N.C.G.S. 160A-382 authorizes the City of Raleigh to regulate buildings, structures, or land in zoning districts;

WHEREAS, there is a demand for more individual storage facilities, however, these facilities are presently allowed only in industrial zoning districts;

WHEREAS, the Raleigh City Council finds that locating these facilities with safeguards in other zoning districts will promote the construction of such facilities without adversely affecting public welfare; and

WHEREAS, the two acre minimum is needed to assure adequate circulation within the site and to prevent storage facilities in existing small neighborhood business zoning districts which were heretofore established without consideration for allowing such facilities.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF RALEIGH, NORTH CAROLINA that:

Section 1. Section 10-2043(b)(1) Permitted Uses (Shopping Center) of the Raleigh City Code is hereby amended by adding a new subsection, (h), to read as follows:

"(h) Individual storage facilities in shopping center, neighborhood business, and business provided that:

1. The minimum size of the lot is at least two acres;

2. One efficiency residential living unit be allowed for use as guard quarters on the same lot;

3. No illumination when measured off the site shall exceed four-tenths (.4) maintained foot candle;

4. No storage of hazardous wastes (as defined in 40 Federal Code Register 261.3 to 261.33, or as the same may be amended by law), or flammable, or combustible materials (as defined in the Fire Prevention Code or as the same may be amended by law), is allowed;

5. All storage shall be within individual storage buildings. There will be no outside storage of any kind; and

6. A twenty-five (25) foot landscaped screen, consisting of plant materials, fences, berms or any combination thereof shall be provided and maintained

around the perimeter of the tract. Said screen shall uniformly reduce the horizontal view from the abutting residential lot or zone at least seventy-five percent (75%) to a height of at least six (6) feet above the ground elevation. If plant materials are used, this standard shall be achieved within three years from initial planting. If a fence or wall is used for screening, plantings on the outside of the fence or wall shall be installed which will hide the horizontal view of the fence or wall by more than fifty percent (50%) within three years from installation of the fence or wall. No parking, buildings, off-premise signs, or loading areas are to be located in this twenty-five (25) foot area."

Section 2. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 3. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 4. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 5. This ordinance shall be enforced as provided in N.C.G.S. 160A-175.

Section 6. This ordinance shall become effective upon its adoption.

Section 7. This ordinance has been filed with the Wake County Register of Deeds as required by law.

Adopted: 5/3/83

Effective: 5/3/83

REZONING Z-87-82 - REQUEST FOR WAIVER OF TWO-YEAR WAITING PERIOD - APPROVED

Z-87-82 was a request for approximately 100 acres to be rezoned on the south side of Perry Creek Road, between US 1 North and Berkshire Downs Drive.

This was a request for waiver of the two-year zoning waiting period on Z-87-82.

CR-1934 from the Planning Commission recommended that the request for waiver of the two-year zoning waiting period on Z-87-82 be approved according to the letter and map attached to CR-1934. Consent Agenda approval: Edwards/Calloway - 8 ayes.

REZONING Z-36-83 - GREEN STREET - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 13,379 square feet from Residential-6 to Neighborhood Business.

CR-1935 from the Planning Commission recommended that Z-36-83 be approved as requested. Consent Agenda approval: Edwards/Calloway - 8 ayes. See Ordinance 110 ZC 120

REZONING Z-46-83 - WADE AVENUE - DENIED

This was a request for approval to rezone approximately 46.8 acres from Residential-4 and Residential-6 to Office and Institution-II, with a thirty-foot (30') wide Conservation/Buffer district along the north and east sides.

CR-1937 from the Planning Commission recommended that Z-46-83 be denied. Consent Agenda approval: Edwards/Calloway - 8 ayes.

REZONING Z-48-83 - OBERLIN ROAD - APPROVED AS AMENDED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 10,556 square feet from Office and Institution-I to Neighborhood Business.

CR-1938 from the Planning Commission recommended that Z-48-83 be approved as amended; that is, that the property contained in Z-48-83 be rezoned to Buffer Commercial. Consent Agenda approval: Edwards/Calloway - 8 ayes. See Ordinance 110 ZC 120.

REZONING Z-50-83 - MILLS STREET - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 6.89 acres from Residential-10 to Residential-15.

CR-1940 from the Planning Commission recommended that Z-50-83 be approved as requested. Consent Agenda approval: Edwards/Calloway - 8 ayes. See Ordinance 110 ZC 120.

REZONING Z-53-83 - LEAD MINE ROAD - DENIED

This was a request for approval to rezone approximately 13.55 acres from Residential-4 to Shopping Center.

CR-1943 from the Planning Commission recommended that Z-53-83 be denied. Consent Agenda approval: Edwards/Calloway - 8 ayes.

REZONING Z-57-83 - SIX FORKS ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 2.16 acres from Residential-6 to Residential-10.

CR-1946 from the Planning Commission recommended that Z-57-83 be approved as requested. Consent Agenda approval: Edwards/Calloway - 8 ayes. See Ordinance 110 ZC 120.

END OF PLANNING COMMISSION CONSENT AGENDA.

SC-192 - EXXON AT CREEDMOOR CROSSINGS SIGNS - REFERRED TO THE COMPREHENSIVE PLANNING COMMITTEE

This was a request for approval of the overall sign package for this service station, which includes a 40-square-foot, freestanding sign and various wall canopy signs.

The property is located at the southwest corner of NC 50 and Leesville Road, outside the City Limits.

CR-1909 from the Planning Commission recommended that this request be denied according to a map entitled, "Exxon at Creedmoor Crossings Signs," property of Exxon Company, drawn by Exxon Company, dated August 13, 1982.

Mr. Jordan indicated a gentleman in the audience wanted to ask a question about this and that is why he requested that the item be withdrawn from the Consent Agenda. Mr. Jordan MOVED THAT SC-192 - EXXON AT CREEDMOOR CROSSINGS SIGNS BE REFERRED TO THE COMPREHENSIVE PLANNING COMMITTEE. His motion was seconded by Mr. Calloway and put to a vote which resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

CP-1-83 - AMENDMENT TO THE MAJOR STREET PLAN OF THE COMPREHENSIVE PLAN - REFERRED TO THE COMPREHENSIVE PLANNING COMMITTEE

This was a request for approval of an amendment to the Major Street Plan of the Comprehensive Plan, Map T-1, Page 50 of the Comprehensive Plan, designating a collector street to run in a general east-west direction from Quail Hollow Drive to Saint Albans Street.

CR-1933 from the Planning Commission recommended that (1) TC-225 be approved as requested; (2) that the City Council consider amending the Comprehensive Plan by adding the extension of Hardimont Road from St. Albans Drive to Quail Hollow as a collector street and delete Quail Hollow Drive as a collector street from the end of the existing Quail Hollow Drive immediately south of Hardimont Road to its proposed connection to New Hope Church Road; and (3) that the City Council provide an opportunity for the neighborhood to present information prior to any final action on this amendment. This opportunity might be through a meeting of the Comprehensive Planning Committee with adequate notice to all parties.

Mr. Walters indicated he was not opposed to this recommendation at all, and he would like to commend all parties involved. He pointed out part of the Planning Commission's recommendation is that this item be referred to the Comprehensive Planning Committee and he did not know if that would occur if it was just approved on the Consent Agenda. He again stated he was in agreement with the recommendation of the Planning Commission but because they had suggested it be studied further in a Committee HE WOULD MOVE THAT CP-1-83 BE REFERRED TO THE COMPREHENSIVE PLANNING COMMITTEE. His motion was seconded by Mr. Edwards and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

Z-45-83 - LAKE BOONE TRAIL - DENIED WITHOUT PREJUDICE

Chairman Graham indicated this was a request for approval to rezone approximately 42 acres from Residential-6 to Residential-10 (38 acres) and Office and Institution-I (4 acres, which are located at the southeast corner of Lake Boone Trail and Horton Street). He presented CR-1936 from the Planning Commission which recommends that Z-45-83 be denied.

Mr. Upchurch indicated he requested this item be withdrawn from the Consent Agenda and while he recognizes that this item has been discussed on several occasions, there seems to be some problems about notification. He indicated the petitioner feels that with further work they may come up with a compromise for this property. Therefore HE WOULD MOVE THAT REZONING A-45-83 BE DENIED WITHOUT PREJUDICE. His motion was seconded by Mr. Edwards and put to a vote which resulted in all members voting in the affirmative except Mr. Keller who voted in the negative. THE MAYOR RULED THE MOTION ADOPTED.

Z-52-83 - WOMAN'S CLUB DRIVE - REFERRED TO THE PUBLIC WORKS COMMITTEE

Chairman Graham indicated this was a request for approval to rezone approximately nine (9) acres from Residential-10 to Office and Institutional-I. It was pointed out this request does not include the existing 150-foot wide Conservation/Buffer on the property. He presented CR-1942 from the Planning Commission in which they recommended that the application be approved as requested.

Mr. Upchurch indicated he requested this be withdrawn from the Consent Agenda pointing out this involves the alignment of a road and he feels it should be studied further; therefore, he would move THAT REZONING Z-52-83 BE REFERRED TO PUBLIC WORKS COMMITTEE. His motion was seconded by Mr. Upchurch and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

Z-59-83 - FALLS OF NEUSE ROAD - REFERRED TO LAW AND FINANCE COMMITTEE

Chairman Graham reported this was a request for approval to rezone approximately 4.8 acres from Residential-20 to Neighborhood Business. He presented CR-1948 in which the Planning Commission recommends that the request be approved as amended; that is, that the property be rezoned to Shopping Center.

Mr. Upchurch indicated he had requested that this item be withdrawn from the Consent Agenda. He indicated he was on the Planning Commission when there was a Comprehensive study in this area. He indicated it seems that the nonresidential keeps just creeping along Falls of Neuse Road. He stated he feels that it can be developed high-density residential; therefore, he would move that rezoning Z-59-83 would be denied. His motion was seconded by Mr. Edwards. Mr. Jordan made a substitute motion that Z-59-83 be referred to the Comprehensive Planning Committee. His substitute motion was seconded by Mr. Calloway. Mr. Upchurch indicated he will have to vote against this motion as he will have to vote against the rezoning. Mr. Edwards pointed out he is a member of the Comprehensive Planning Committee and he just does not feel that this rezoning should occur. He stated maybe it should be referred to another committee. Brief discussion took place after which Mr. Jordan amended his substitute motion as follows - REZONING Z-59-83 BE REFERRED TO LAW AND FINANCE COMMITTEE. His substitute motion as amended was seconded by Mr. Calloway and put to a vote which resulted in all members voting in the affirmative except Mr. Upchurch who voted in the negative. THE MAYOR RULED THE MOTION ADOPTED.

REZONING Z-49-83 - OXFORD ROAD AREA - PROPERTY REZONED TO RESIDENTIAL-4

This was a request for approval to rezone approximately 22.96 acres from Residential-6 to Residential-4 and Conservation/Buffer. It covers an area generally bounded by Oxford Road and Hazelwood Drive, east of White Oak Drive, and including lots on Kenmore Drive, Lochmore Drive, and Beechridge Road. Chairman Graham presented CR-1939 in which the Planning Commission recommends that the property be rezoned Residential-4 with the exception of Lot 21 which would remain Residential-6. Discussion took place on the Planning Commission's recommendation with Ms. Babb questioning the net affect of rezoning the property to Residential-4 and Conservation/Buffer as it relates to density. She questioned if Lot 21 were zoned Residential-4 without the Conservation/Buffer, how many units could actually be built on the tract because of the topo of the land. Planning Director Chapman indicated when you go to Residential-4 you limit the type of building that can be placed on the property. He indicated also different minimum lot sizes apply. He stated he did not know whether four separate units could be built on the lot if it were zoned Residential-4. Mr. Jordan MOVED THAT THE ENTIRE 22.96 acres covered by zoning application A-49-83 BE REZONED TO RESIDENTIAL-4. His motion was seconded by Mr. Edwards. In clarification, Mr. Jordan indicated there would be no Conservation/Buffer, the whole 22.96 acres would be zoned Residential-4. Mr. Edwards indicated as long as we are not considering the Conservation/Buffer, he could support the Residential-4. He pointed out we have flood ordinance that will protect the property and if the property were zoned Conservation/Buffer, we get into the transfer of density. The motion as stated was put to a vote and passed unanimously. THE MAYOR RULED THE MOTION. See Ordinance 110 ZC 120.

REZONE Z-51-83 - NAVAHO DRIVE - APPROVED - ORDINANCE ADOPTED

Chairman Graham indicated this was a request for approval to rezone approximately 1.73 acres from Office and Institution-I to Neighborhood Business. He presented CR-1941 in which THE PLANNING COMMISSION RECOMMENDS THAT Z-51-83 BE APPROVED AS REQUESTED. Mr. Jordan moved the Planning Commission's recommendation be upheld which was seconded by Mr. Calloway. Mr. Walters indicated, for the record, he would like to point out that this whole general area has been up for rezoning a number of times. He indicated in all cases there was a question of access onto the Beltline ramp and in all cases it has been prohibited in the past. He stated he feels that the Council will be getting a request for access onto the ramp and he would hope that the Council would deny any such request. The motion as stated was put to a vote and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

ORDINANCE NO. (1983) 110 ZC 120

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) Strickland, Lead Mine and Six Forks Roads, southwest area of the intersections, being a portion of Parcel 9, and Parcels 32 and 105, Tax Map 302, approximately 99 acres, rezoned according to a map entitled "Applicant's Revised Request as Amended by the Comprehensive Planning Committee", dated May 3, 1983, on file in the City of Raleigh Planning Department. (Z-19-83)

(b) Green Street, east side, some 400 feet north of Prospect Avenue, being Parcel 9, Block B-180, Tax Map C-46, approximately 13,379 square feet rezoned to Neighborhood Business District. (Z-36-83)

(c) Oberlin Road, west side, between Davis Street and Fairview Road, being Parcel 329, Tax Map 494, approximately 10,556 square feet rezoned to Buffer Commercial. (Z-48-83)

(d) Area generally bounded by Oxford Road and Hazelwood Drive, east of White Oak Drive, and including lots on Kenmore Drive, Lochmore Drive, and Beechridge Road, involving over 80 parcels on Tax Maps 464 and 494, approximately 22.96 acres rezoned to Residential-4. (Z-49-83)

(e) Mills Street, south side, between Noble Road and Bernard Avenue, being Parcel 18, block F-95, Tax Map F-26, approximately 6.89 acres rezoned to Resiential-15. (Z-50-83)

(f) Navaho Drive, south side, west of Wake Forest Road, being Parcel 367, Tax Map 436, approximately 1.73 acres rezoned to Neighborhood Buiness. (Z-51-83)

(g) Six Forks Road, east side, at its northern intersection with Crown Oaks Drive, being a portion of Parcel 17, Tax Map 324, approximately 2.16 acres rezoned to Residential-10, according to map on file in the City of Raleigh Planning Department. (Z-57-83)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective upon the date of adoption.

Adopted: 5/3/83

Effective: 5/3/83

REZONING Z-54-83 - CREEDMOOR ROAD - REFERRED TO THE COMPREHENSIVE PLANNING COMMITTEE

This was a request for approval to rezone approximately 38,000 square feet from Residential-4 to Office and Institution-I. Chairman Graham presented CR-1944 from the Planning Commission which recommends that the application be denied. Mr. Jordan MOVED THAT REZONING APPLICATION Z-54-83 BE REFERRED TO THE COMPREHENSIVE PLANNING COMMITTEE. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

REZONING Z-56-83 - CREEDMOOR ROAD - REFERRED TO THE COMPREHENSIVE PLANNING COMMITTEE

Mayor York indicated when this request and a recent text change came up, he mentioned at the hearing that Judd Ammons, the applicant, had requested him to be a member of the Board of the Retirement Center. He indicated at that time he had not made up his mind; however, he has agreed to accept the invitation. He stated he did not realize there was a connection between this rezoning case and the Center; therefore, he does not feel he should participate in this case and he will ask Mayor Pro Tem Walters to preside. Without objection, this was agreed to.

Mr. Walters took the chair. Chairman Graham of the Planning Commission indicated this was a request for approval to rezone approximately 22 acres from Residential-6 to Residential-15. He presented CR-1945 from the Planning Commission in which they had recommended that the request be approved as requested. Mr. Calloway MOVED THAT REZONING A-56-83 BE REFERRED TO THE COMPREHENSIVE PLANNING COMMITTEE. His motion was seconded by Mr. Edwards and put to a vote which resulted in all members voting in the affirmative except Mayor York who was excused. MAYOR PRO TEM WALTERS RULED THE MOTION ADOPTED.

REZONING Z-58-83 - LYNN ROAD - DENIED WITHOUT PREJUDICE

This was a request for approval to rezone approximately 48.5 acres from Residential-4 to Residential-15. Chairman Graham presented CR-1947 from the Planning Commission which recommends that the request be approved as amended; that is, that it be approved as requested with a 30-foot Conservation/Buffer on the east, south and west sides. Planning Director Chapman explained the recommendation. Mr. Upchurch indicated he has walked this land extensively and driven around it several times. He indicated he recognizes the Comprehensive Plan calls for high-density residential in this area. He explained the surrounding development and pointed out that he can see that Northcliff Subdivision can be developed in this area and be fit in and the land utilized properly. He indicated as you are looking toward Lynn Road, there is a small tract of land that has not been included. He indicated the trees have been removed at the top of the hill. He stated he feels that we should just deny this case or maybe it could be divided into two parts. Discussion took place after which Mr. Upchurch MOVED THAT REZONING Z-58-83 BE DENIED WITHOUT PREJUDICE. His motion was seconded by Mr. Keller. Mr. Jordan indicated he did not disagree with some of the things Mr. Upchurch is saying. He stated, however, he feels that the Council is just pretending too much if they feel that Residential-4 will be developed in this area. He indicated the proposed density might be too high but he feels it can be worked out; therefore, he would suggest that the matter be referred to the Comprehensive

Planning Committee so that everyone involved could sit down and resolve the problems and so moved. His motion was seconded by Mr. Calloway. Mr. Walters indicated he too feels that something could be worked out. He stated what we really need is a zone that would allow single-family homes on something smaller than R-4 lots. He stated he feels Residential-15 is too high pointing out he would rather see this case denied without prejudice so the developer could come back knowing the will of the governing board. Mr. Edwards indicated he had thought it would be better to put it in Committee and try to work towards some compromise. He stated he had talked with several people about this and they had indicated that the developer had asked for Residential-15 hopeful of getting Residential-10. He stated he knew that in the past, the Council and the Planning Commission have worked hard trying to reach compromises in cases. He indicated he is not saying that this happened in this particular case, but he feels in the future that petitioners should come in with realistic requests. He indicated he feels that this tract of land has too many features for the community to work out and he feels it would be better if it is worked out between the petitioners and the property owners; therefore, he would support denial without prejudice. Mr. Jordan indicated he didn't say anything about compromise, but he feels it is the City Council's job to determine the proper zoning or use of a piece of property. He stated the Council has worked on many other cases and he feels it is the Council's job to study and search for the proper use. The substitute motion to refer the matter to Comprehensive Planning Committee was put to a vote with results as follows: Ayes - Jordan, Calloway and York; noes - Walters, Babb, Edwards, Keller and Upchurch. The Mayor ruled the motion defeated. The original motion to deny the case without prejudice was put to a vote which resulted in all members voting in the affirmative except Mr. Calloway who voted in the negative. THE MAYOR RULED THE MOTION ADOPTED.

COMMITTEES, COMMISSIONS AND BOARDS

FAIR HOUSING HEARING BOARD - ROBERT LEAROYD - APPOINTED

The City Clerk reported one vacancy due to the resignation of Thomas Hall. Robert Learoyd has been nominated for appointment and nominations have not been closed. There being no further nominations, Mr. Keller MOVED THAT NOMINATIONS TO THE FAIR HOUSING HEARING BOARD BE CLOSED AND MR. LEAROYD APPOINTED BY ACCLAMATION. His motion was seconded by Mr. Jordan and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

Mr. Calloway indicated he had been contacted by the Director of the Human Resources Department who indicated that the City Council is responsible for designating the chairperson of the Fair Housing Hearing Board. The Board recommends that Frank Roberts be chosen as chairperson. Brief discussion took place on the proper procedure to follow, after which Mr. Calloway NOMINATED FRANK ROBERTS AS CHAIRMAN OF THE FAIR HOUSING HEARING BOARD WITH THE UNDERSTANDING THE MATTER WILL BE PLACED ON THE AGENDA FOR THE NEXT MEETING.

CIVIL SERVICE COMMISSION - NOMINATIONS MADE

The City Clerk reported two vacancies on the Civil Service Commission due to the resignation of Allie M. Peebles and William L. Bingham. This is the first announcement on Mr. Bingham's resignation and a copy of his letter of resignation was included with the Council memo. The Clerk reported Ms. Peebles is the management representative and Mr. Bingham is one of two at large representatives appointed by Council. No nominations have been made. Mr. Calloway nominated Emogene Muse as the management representative. Mr. Jordan nominated Jim Cressimore as the at large representative. No further action was taken.

DOWNTOWN ADVISORY COMMITTEE - NO ACTION TAKEN; CBDAC - OFFICIALLY DISBANNED

The City Clerk reported that the Council has appointed the membership of the Downtown Advisory Committee and it would be appropriate to appoint a chairperson of this Committee. The Council agreed that they were not ready to make a recommendation on the chairperson.

The City Clerk further reported the Downtown Advisory Committee was established with the understanding that it would be the Citizens Group to advise Council on matters relating to Downtown and would, in essence, replace the Central Business District Advisory Committee. The Clerk indicated if this is the Council's understanding it would be appropriate to officially disban the CBDAC. Mr. Upchurch MOVED THAT THE CBDAC BE OFFICIALLY DISBANNED. His motion was seconded by Mr. Calloway. Several members of Council indicated that this group had been very active and the Downtown Mall was established under their leadership; therefore, it was felt that it would be appropriate to invite all members who have ever served on the CBDAC to the next meeting and present them with a certificate and/or plaque of appreciation. It was agreed that this would be part of the motion and the motion as stated was put to a vote and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

PLANNING COMMISSION - THOMAS C. WORTH, JR. - REAPPOINTED

The City Clerk reported the term of Thomas C. Worth, Jr. expires June 2, 1983, and he has been nominated for reappointed and nominations have not been closed. Mr. Upchurch MOVED THAT NOMINATIONS TO THE PLANNING COMMISSION BE CLOSED AND THOMAS C. WORTH, JR. BE REAPPOINTED BY ACCLAMATION. His motion was seconded by Mr. Edwards and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

APPEARANCE COMMISSION - NOMINATIONS MADE

The City Clerk reported the terms of Lidia White and J. Marshall Lancaster, Jr. expire July 3, 1983. Both are eligible for reappointment and their attendance record has been good. No nominations have been made. Mr. Walters nominated Lidia White. Mr. Upchurch nominated Mr. Lancaster. No further action was taken.

DOWNTOWN HOUSING IMPROVEMENT CORPORATION - NOMINATIONS MADE

The City Clerk reported the following terms expire July 3, 1983, and all are eligible for reappointment: William D. Poe, Jr.; Billy Lee Harris; Phil Harvell; Edgar W. Davis and Sonnya Quinn. No nominations have been made. The Clerk reported this is a seventeen member board; however, the City Council appoints only eight of the members. Mr. Edwards nominated Mr. Poe, Mr. Calloway nominated Mr. Davis, Mr. Jordan nominated Ms. Quinn. No further action was taken.

HISTORIC PROPERTIES COMMISSION - NOMINATIONS MADE

The City Clerk reported the following terms expire June 30, 1983, and the persons are not eligible for reappointment: Thomas S. Erwin, Pauline Beers, Susie Perry and Sam Wyrick. The Clerk reported the following terms also expire on June 30 and these people are eligible for reappointment: Barbara Wishy, Mrs. Francis Winslow, Vivian Irving, Henry L. Lewis, Mrs. Thomas W. Bradshaw, Jr., John Stokes, Donald W. Barnes, G. Clarke Crampton, Calvin R. Parks, Jr., Maye E. Ligon, Dr. Charlotte V. Brown, John W. Kinney, Jr., and Fred Whitney. No nominations have been made. Mr. Jordan nominated Warren Lail, Mrs. Thomas W. Bradshaw, Jr., Fred Whitney, Henry L. Lewis and Dr. Charlotte V. Brown. Mr. Upchurch nominated Mrs. Francis Winslow and John Stokes. Mr. Calloway nominated Vivian Irving and Maye E. Ligon. Mr. Walters nominated Calvin R. Parks and John Kinney, Jr. No further action was taken.

HOUSING AUTHORITY - NOMINATIONS MADE

The City Clerk reported the following terms expire July 6, 1983, and both are eligible for reappointment: Ralph Campbell, Sr., and Verno R. Jansen, Jr. No nominations have been made. Mr. Upchurch nominated Mr. Campbell; Ms. Babb nominated Mr. Jansen. No further action was taken.

HUMAN RESOURCES AND RELATIONS ADVISORY COMMITTEE - NO ACTION TAKEN

The City Clerk reported the term of Roland Gammon expires July 7, 1983. He is eligible for reappointment. Brief discussion took place as to whether Mr. Gammon desires to be reappointed and it was agreed that no action would be taken at today's meeting.

MAYOR'S COMMITTEE FOR SERVICES TO THE HANDICAPPED - RON NORWOOD APPOINTED AS CHAIRPERSON; NOMINATIONS MADE

The City Clerk reported the term of Ron Steill expires July 7, 1983, and he is eligible for reappointment. Mayor York nominated Mr. Steill for reappointment.

Mayor York indicated he had talked with Bob Carter, Chairman of the Mayor's Committee on Services to the Handicapped. Mayor York indicated this has been a very active and outstanding committee for the past few years. He indicated Mr. Carter feels he has served as long as he can and would desire not to be reappointed chairperson. He indicated Mr. Carter has suggested Ron Norwood, an employee with Telex, as chairperson, and Mr. Norwood has agreed. Mayor York indicated Telex was recently honored in their work with the handicapped and he feels that this is a very good suggestion. He indicated Barbara Faircloth, also an employee with Telex, has indicated she would be willing to serve and attend the meetings and take minutes; therefore, he would nominate Barbara Faircloth as a member of the Mayor's Committee for Services to the Handicapped. Brief discussion took place and Mr. Walters MOVED THAT THE CITY COUNCIL SUSPEND THE RULES AND ELECT RON NORWOOD AS CHAIRPERSON OF THE MAYOR'S COMMITTEE FOR SERVICES TO THE HANDICAPPED. His motion was seconded by Mr. Upchurch and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

Mayor York indicated Mr. Carter has done an outstanding job and he would suggest that he be invited to the next meeting and presented with a plaque. This was agreed to.

TRANSIT AUTHORITY - NOMINATIONS MADE: C.J. BARBOUR - ELECTED CHAIRPERSON

The City Clerk reported the terms of Shelby Alford, J. Mills Holloway and Phil Harvell expire July 3, 1983. Mr. Alford and Mr. Harvell are eligible for reappointment. Mr. Upchurch nominated Mr. Alford; Mr. Edwards nominated Mr. Harvell.

The City Clerk reported she has received a letter from Phil Harvell asking to stop down as chairperson of the Transit Authority but that he would still like to remain as a member. Brief discussion took place and Mr. Calloway MOVED THAT THE CITY COUNCIL SUSPEND THE RULES AND APPOINT C. J. BARBOUR AS CHAIRPERSON OF THE RALEIGH TRANSIT AUTHORITY. His motion was seconded by Mr. Walters and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE LAW AND FINANCE COMMITTEE

TAXICAB RATE - INCREASE - APPROVED

Chairman Jordan reported the Law and Finance Committee RECOMMENDS APPROVAL OF A RATE INCREASE TO BE EFFECTIVE JUNE 1, 1983, WITH THE UNDERSTANDING THAT THE NEW RATES

WOULD BE A MAXIMUM RATE AND THE NEW MAXIMUM RATE WOULD BE 75 CENTS INITIAL CHARGE, PLUS 20 CENTS PER EACH ADDITIONAL ONE-SIXTH OF A MILE, AND ALSO RAISE THE CHARGE FOR WAITING TIME FROM $9 PER HOUR TO $12 PER HOUR AND RECOMMENDS THAT ALL TAXI DRIVERS, OWNERS, ETC. BE REQUIRED TO FILE A RATE SCHEDULE WITH THE TAXI INSPECTOR WITH THE UNDERSTANDING THAT THE REQUIREMENT WOULD BE EFFECTIVE JUNE 1, 1983. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Keller. Mr. Walters questioned if this would require the taxi drivers to go to the new rate with Mr. Jordan pointing out the taxi drivers can charge less if they want to, that this is a maximum rate only. Mr. Walters questioned if the drivers would have to get new meters with Mr. Jordan indicating they would not unless they wanted to go to the new maximum rate. The motion as stated was put to a vote which resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

ORDINANCE NO. (1983) 111

AN ORDINANCE TO INCREASE TAXI RATES

BE IT ORDAINED BY THE CITY COUNCIL OF RALEIGH, NORTH CAROLINA that:

Section 1. Sub-subsection (a) of Section 12-2043(1) of the Raleigh City Code is hereby amended to replace the words "one-fifth" to read "one-sixth."

Section 2. Sub-subsection (b) of Section 12-2043(1) of the Raleigh City Code is hereby amended to replace the words "ten cents ($ 0.10)" to read "twenty cents ($ 0.20)."

Section 3. Section 12-2043 of the Raleigh City Code is hereby amended to add a new subsection, 12-2043(4), said subsection to follow subsection 12-2043(3) and shall read as follows:

"(4) Upon being issued a public certificate of conveyance and necessity or a driver's permit, each owner and driver shall file with the taxi inspector a written schedule of the rates they charge. No rate shall be charged which is different than on file with the taxi inspector."

Section 4. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 5. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 6. This ordinance shall be enforced as provided in N.C.G.S. 160A-175.

Section 7. This ordinance shall become effective June 1, 1983.

Adopted: 5/3/83

Effective: 6/1/83

LAKEMONT LAKE - REMOVED FROM THE AGENDA

Chairman Jordan reported the Law and Finance Committee recommends THAT THIS ITEM BE REPORTED OUT WITH NO ACTION TAKEN WITH THE RECOMMENDATION THAT THE INVOLVED PARTIES COME BACK BEFORE THE CITY COUNCIL WITH A PROPOSAL FOR THE LAKEMONT LAKE ISSUE. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Calloway. Brief discussion took place with Mr. Jordan pointing out he has felt all along that it is very unfortunate to allow all of the lakes and the ponds in the City to deteriorate as they have been in the past. He stated he does not know if it is possible for this property to be taken over by the City, but he feels that we should study the problems of letting the lake go away. Mayor York indicated he had received a telephone call from a representative of the Lakemont Club asking that Jim Smith or Jim Brothers be allowed to speak during the night portion of the meeting when this item is scheduled for discussion again. If the Council, he would request this request be honored. After brief discussion, the motion as stated was put to a vote and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

ANIMAL CONTROL ORDINANCE - REFERRED TO THE WORK SESSION

Chairman reported the Committee recommends no change in the present Animal Control Ordinance; however, suggests that the City Manager be requested to bring to the Council a program for the strict enforcement of the Leash Law for consideration by City Council. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Calloway. Mr. Walters indicated this gives him a lot of problems pointing out we presently have two ordinances that are in conflict. One ordinance indicates that a dog cannot relieve himself anywhere without the owner's permit and the other says if he does relieve himself it is still a violation of the law. Mr. Walters MADE A SUBSTITUTE MOTION THAT THE ANIMAL CONTROL ORDINANCE BE REFERRED TO WORK SESSION/COMMITTEE OF THE WHOLE. His motion was seconded by Mr. Upchurch. Discussion took place with Mr. Walters pointing out he feels our Animal Control Ordinances, and there are more than one, need to be looked at. He stated he feels they need to be discussed by the full Council and get them clarified. He pointed out the County has a very simple ordinance and it worked very well and the City of Raleigh has one that is absolutely impossible to enforce; yet, the Law and

Finance Committee is suggesting that it be enforced. Mr. Jordan indicated what the City of Raleigh has is a bare minimum and the Committee was simply asking the City Manager to look at it to see if it could not be enforced better. He stated this is not a simple cut and dry situation and cautioned the Council to study the ordinance carefully. Mr. Walters said our ordinance is just absolutely impossible and it needs to be looked at, clarified and corrected. The substitute motion to refer the matter to work session/committee of the whole was put to a vote and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

CIVIC CENTER - REQUEST FOR RENT-FREE USE - REMOVED

Chairman Jordan reported the Law and Finance Committee RECOMMENDS THAT THIS ITEM BE REMOVED FROM THE AGENDA WITH NO ACTION TAKEN AS THE PROBLEM HAS BEEN RESOLVED. On behalf of the Committee, he moved the recommendation be upheld which was seconded by Mr. Calloway and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

SOCCER FIELDS - RETAINED IN COMMITTEE

Chairman Jordan reported Council Members received information on the needs for additional soccer fields in the City of Raleigh. He indicated the Committee REQUESTS PERMISSION FROM THE CITY COUNCIL TO PROCEED TO WORK WITH THE STAFF TO IDENTIFY POTENTIAL AREAS THAT COULD BE USED FOR SOCCER FIELDS IN THE COMMUNITY WITH THE UNDERSTANDING THE LAW AND FINANCE COMMITTEE WILL BRING A RECOMMENDATION BACK TO THE FULL COUNCIL. On behalf of the committee, he moved the recommendation be upheld. His motion was seconded by Mr. Calloway and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE

REZONING Z-68-82 - BUFFALO ROAD - DENIED

Chairman Edwards reported the Public Works Committee RECOMMENDS THAT REZONING Z-68-82 BE DENIED WITHOUT PREJUDICE. On behalf of the committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

STREET LIGHTING PROGRAM - ADMINISTRATION AUTHORIZED TO SEEK PROPOSAL FOR CONSULTANT

Chairman Edwards reported the Public Works Committee RECOMMENDS THAT ADMINISTRATION PROCEED TO SEEK PROPOSALS FOR A CONSULTANT TO STUDY THE STREET LIGHT AND TRAFFIC SIGNAL POWER RATES WITH THE UNDERSTANDING THIS WOULD REQUIRE THE APPROPRIATION OF $15,000 FOR THE INITIAL STUDY. On behalf of the Committee, he moved the recommendation be upheld which was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Ordinance 106 TF 18.

UNFIT DWELLINGS - 1106, 1107, 1108 EAST LANE STREET - REMOVED

Chairman Edwards reported the Public Works Committee RECOMMENDS THAT THIS ITEM BE REMOVED FROM THE AGENDA WITH NO ACTION TAKEN. On behalf of the Committee, he moved the recommendation be upheld which was seconded by Ms. Babb and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

UNFIT BUILDING - 328 WEST EDENTON STREET - REMOVED

Chairman Edwards reported THE PUBLIC WORKS COMMITTEE RECOMMENDS THAT THIS ITEM BE REMOVED FROM THE AGENDA WITH NO ACTION TAKEN. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

SUMTER SQUARE - DRAINAGE COVERS - REMOVED

Chairman Edwards reported THE PUBLIC WORKS COMMITTEE RECOMMENDS THAT THIS ITEM BE REMOVED FROM THE AGENDA WITH NO ACTION TAKEN. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

MINI-CITY - TRANSPORTATION CORRIDOR FUNDING - VARIOUS ACTIONS APPROVED

Chairman Edwards reported THE PUBLIC WORKS COMMITTEE RECOMMENDS THAT THE CITY'S SHARE OF THE SPRING FOREST ROAD PROJECT BE FUNDED AS FOLLOWS:

$130,000 from Benson Drive Project
$500,000 from Fund 32 - Street Improvement Fund Reserve
$200,000 from Fund 08 - Powell Bill Fund Reserve

The net impact of this proposal is to postpone the construction of New Hope Church Road for one year, and it will allow for design to proceed in FY 83-84. It is further recommended that the property owners, by September 6, 1983, would provide funds and/or letters of credit guaranteeing payment of $320,000 for the Spring Forest Road Project, and would convey by dedication the Atlantic Avenue right-of-way owned by North Boulevard Developers to the City by June 1, 1983, and all of the right-of-way for the Spring Forest Road Connector by September 6, 1983. On behalf of

the Committee, Mr. Edwards moved the recommendation be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Resolution 222 TF 38 and Ordinance 105.

SIDEWALK IMPROVEMENTS - WAKE FOREST ROAD - SIDEWALK TO BE INSTALLED EAST OF TREES - CONDITIONALLY

Chairman Edwards reported THE PUBLIC WORKS COMMITTEE RECOMMENDS THAT THE SIDEWALK ON WAKE FOREST ROAD BE INSTALLED TO THE EAST OF THE TREES ON THE PROPERTY OWNED BY DOCTOR CERWIN ON THE CONDITION THAT PROPER EASEMENTS ARE DEDICATED. On behalf of the Committee he moved the recommendation be upheld. His motion was seconded by Ms. Babb and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE MUNICIPAL BUILDING COMMITTEE

MUNICIPAL BUILDING - LOCATION OF FUEL TANKS - NO CHANGE

Chairman Edwards reported the Municipal Building Committee recommends THAT THERE BE NO CHANGE IN THE LOCATION OF THE EXISTING 15,000 GALLON TANK AND THE PROPOSED NEW 10,000 GALLON TANK, IN OTHER WORDS, INSTALL THEM AS THEY ARE SHOWN ON THE PLANS. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Upchurch and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

MUNICIPAL BUILDING - NEW FURNITURE - MANAGER AUTHORIZED TO PLACE ORDER

Mr. Edwards passed out the following report from the Municipal Building Committee:

> "This recommendation made by the New Municipal Building Committee will relate only to the purchase of new chairs and only chairs that will be used in the "open offices" of the building. We had originally planned to use our current chairs and to have these chairs - that were going to be moved to the new building - painted and reupholstered prior to the move. It would cost $50 each to do this for secretarial chairs and $67 to do this for the low-back swivel chairs. Using the secretarial chairs as an example, the list price, with the 50% discount we have been offered and the trade-in allowance of $20 for each old chair, would indicate a cost of $146.50 for a new chair. It will cost $50 to repair and reupholster an old chair. If we subtract this from the $146.50, we see that we could get the new chair for an additional $96.50. (A chart illustrating this is attached.) There would be even greater savings on the low-back swivel chair.
>
> We plan to possibly use some of our current low-back swivel chairs in our new conference rooms in lieu of straight-back chairs.
>
> We can now, also, distribute some surplus furniture that we have in storage - furniture that was purchased in some of our previous Federal grant programs - to departments requesting furniture in next year's budget. By a combination of distributing surplus furniture and deleting the cost from the proposed budget and deleting the cost in the proposed budget for painting and upholstering chairs, we have been able to deduct $16,400.
>
> THE COMMITTEE APPROVES OF AND RECOMMENDS THE PURCHASE OF 124 LOW-BACK SWIVEL CHAIRS AND 33 SECRETARIAL CHAIRS AT A COST OF $22,200. THE CURRENT CHAIRS THAT WILL NOT BE USED WITH THE OPEN OFFICE CONCEPT WILL NOT BE REPLACED.

On behalf of the Committee, Mr. Edwards moved the recommendation be upheld. His motion was seconded by Ms. Babb.

Mr. Walters indicated he did not understand how we were saying we are saving money. He stated he just had not seen any dilapidated secretarial chairs in this building and why don't we just go ahead and say we are spending money and buying new chairs. We are not saving money and buying new chairs. He pointed out we are just going to turn around and sell the old chairs that are very good for almost nothing pointing out it just goes against his grain to say we are spending money to save money. The motion as stated was put to a roll call vote which resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE COMPREHENSIVE PLANNING COMMITTEE

REZONING Z-19-83 - STRICKLAND/LEAD MINE/SIX FORKS ROADS - APPROVED AS AMENDED

Chairman Calloway reported the Comprehensive Planning Committee RECOMMENDS REZONING THE PROPERTY COVERED BY THE SUBJECT APPLICATION ACCORDING TO A MAP ENTITLED "APPLICANT'S REVISED REQUEST AS AMENDED BY THE COMPREHENSIVE PLANNING COMMITTEE" DATED MAY 3, 1983. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Keller. Planning Director Chapman explained the recommendation of the Committee utilizing the stated map. The motion as stated was put to a vote which resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Ordinance 110 ZC 120.

DAWSON/McDOWELL - HAMMOND ROAD ISSUE - RESOLUTION ADOPTED

Chairman Calloway reported the Comprehensive Planning Committee RECOMMENDS ADOPTION OF A RESOLUTION RELATING TO THE DAWSON/McDOWELL - HAMMOND ROAD ISSUE. Council Members received a copy of the resolution with a report of the Committee. On behalf of the Committee, Mr. Calloway MOVED ADOPTION OF THE RESOLUTION AND ALSO RECOMMENDED THAT THE TRANSMITTAL LETTER INCLUDE WORDING TO INDICATE THAT THE CITY OF RALEIGH ENGINEERING DEPARTMENT AND THE DEPARTMENT OF TRANSPORTATION WILL BE ABLE TO ASSIST IN FIELD SURVEY WORK, PRELIMINARY DESIGN, ETC. IF THE STATE WORKLOAD IS SUCH THAT THIS WORK CANNOT BE DONE RIGHT AWAY AND IT IS THE FURTHER UNDERSTANDING OF THE COMMITTEE THAT IF THE STATE REQUESTS THIS ASSISTANCE IT WOULD BE REPORTED TO THE CITY COUNCIL FOR AUTHORIZATION. His motion was seconded by Ms Babb. Mr. Upchurch commended the Committee for its report and the Council for uniting behind this project and he felt it was a very good resolution and both projects are desperately needed. He pointed out, however, he had stated previously that his company is involved in some property that is in the Hammond Road right-of-way; therefore, HE WOULD NOT PARTICIPATE IN VOTING ON THIS MATTER even though he feels it is a very good resolution. The motion as stated was put to a vote and passed with all members voting in the affirmative except Mayor York who did not vote. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) 224

WHEREAS, the North Carolina Board of Transportation is developing a revised Transportation Improvement Plan for the State; and

WHEREAS, the City of Raleigh has previously adopted, on March 23, 1982, a resolution concerning the scheduling of certain road projects in the Raleigh area which are U-83 Dawson/McDowell Extension, U-515 Hammond Road, and U-216 Harrison Avenue, Cary; and

WHEREAS, the City of Raleigh desires to affirm the critical importance of these road projects to the citizens of the City, the region, and the State.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT:

1. The State is urged to assure that the Transportation Improvement Program reflect an advancement in the programming and construction of U-83 Dawson/McDowell Extension, U-515 Hammond Road, and U-216 Harrison Avenue in Cary.

2. The timing of U-83 should be advanced to acknowledge the substantial investment by the State which has been made in the acquisition of the necessary right of way and in the development of a full set of design plans for construction.

3. The timing of U-515 should be advanced to allow the State to take advantage of the offer by property owners to convey most of the right of way needed for this project which could save the State approximately $1,400,000 and further the timing of this project should be adjusted to encourage the State Department of Transportation to proceed immediately with the development of final design plans and to work closely with the City Department of Transportation which would provide assistance where possible.

Adopted: 5/3/83

REPORT AND RECOMMENDATION OF THE DOWNTOWN COMMITTEE

None.

REPORT AND RECOMMENDATION OF THE REAL ESTATE COMMITTEE

COMMUNITY DEVELOPMENT ACTIVITIES - VARIOUS - APPROVED

Chairman Walters presented the following recommendations of the Real Estate Committee:

1. To approve the offer to purchase the parcel at 608 East Hargett Street for $4,500 pointing out this is one-half of parcel B0005-0008 without improvements.

2. To adopt a resolution of condemnation relating to 549 East Martin Street to establish its value, parcel B0002-0033.

3. To approve issuing a certificate of completion to John W. Winters (Winter Haven Limited).

Council Members received a copy of the proposed resolution and certificate with their Committee report.

On behalf of the Real Estate Committee Mr. Walters MOVED ADOPTION OF THE REPORT AS PRESENTED. His motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) 225

WHEREAS, the City of Raleigh in furtherance of the Community Development Block Grant Program and the Thompson School - Lucille Hunter School Redevelopment Plan and Land Controls and Restrictions, has adopted a policy of issuing a Certificate of Completion on the redevelopment or rehabilitation of property disposed of in the redevelopment plan area; and

WHEREAS, the Housing Authority and John W. Winters entered into a contract for Sale of Land dated June 28, 1979, for the disposition as redevelopment of parcels B0002 - 0004 through - 0011 on the Southeast Corner of East Hargett and South East Streets; and

WHEREAS, upon finding that all terms and conditions set forth in the aforementioned contract have been complied with, and the property herein described has been fully redeveloped or rehabilitated in accordance with the Redevelopment Plan; and

WHEREAS, the Sales Contract requires the City of Raleigh to issue a Certificate of Completion to the developer reflecting a conclusive determination of satisfaction and the termination of the covenants in the deed with respect to the obligations of the purchaser and its successors and assigns to construct or rehabilitate the improvements and the dates for the beginning and completion thereof; and

WHEREAS, upon recording such Certificate of Completion in the Office of the Register of Deeds of Wake County, the owners or its successors or assigns shall thereupon be released from all further conditions, obligations, and possibility of reversion as stated in the Sale Contract.

NOW, THEREFORE, BE IT RESOLVED BY THE RALEIGH CITY COUNCIL that the Mayor be authorized to execute in the name of the City of Raleigh a certificate of Completion in the format as attached to this Resolution.

Adopted: 5/3/83

Parcels B0002 - 0004 through 0011
Southeast Corner of East Hargett
and South East Streets

CERTIFICATE OF COMPLETION
OF
IMPROVEMENTS

THIS _____ day of _____, 19____, the undersigned does hereby certify that all of the requirements of paragraphs Sections 7 and 8, pages 3 and 4, of the SALES CONTRACT dated the 28th, day of June, 1979, by and between THE HOUSING AUTHORITY OF THE CITY OF RALEIGH and John W. Winters, PURCHASER, have been complied with and the improvements have been completed as agreed between the two parties above.

THE WARRANTY DEED dated 28th, day of June, 1979, conveying the property from the HOUSING AUTHORITY OF THE CITY OF RALEIGH to the PURCHASER, on which the subject improvement have been completed, is recorded in Book 2830, Page 848, Office of the Register of Deeds of Wake County for the County of Wake County.

THIS certificate is executed to evidence the above as is required in paragraphs Section 8, pages 3 and 4, of the SALES CONTRACT.

CITY OF RALEIGH

By: /s/ G. Smedes York
Mayor (Pro Tempore)

ATTEST

/s/ Gail G. Smith
City Clerk

NORTH CAROLINA
WAKE COUNTY

I, the undersigned a Notary Public, do hereby certify that Gail G. Smith, personally appeared before me this day and acknowledged that she is City Clerk of the City of Raleigh, a municipal corporation, and that by authority duly given and as the act of the municipal corporation, the foregoing instrument was signed in its name by G. Smedes York, its Mayor, sealed with its corporate seal and attested by her as its City Clerk.

Witness my hand and notarial seal, this the 13th day of May, 1983.

/s/ Brenda Anderson
Notary Public

Commission Expires: 3/5/84

SURPLUS PROPERTY - MULBERRY STREET - AUTHORIZED FOR SALE

Chairman Walters reported the Real Estate Committee RECOMMENDS SALE OF LOTS 343 AND 344 ON MULBERRY STREET AT A MINIMUM BID OF $4,000. He reported this would be through negotiated offer upset bid method. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE INTERGOVERNMENTAL LIAISON COMMITTEE

LIBRARY BOARD RECOMMENDATIONS - APPROVED

Mr. Upchurch indicated Council Agenda packets recommendations of the Raleigh Library Board relating to the future of the public library system. Chairman Upchurch reported the Committee recommends APPROVAL OF THESE RECOMMENDATIONS WITH THE ASSURANCE THAT THERE WILL BE A CONTRACT FOR THE COUNTY'S IMMEDIATE TAKE-OVER AND THE CAPITAL IMPROVEMENTS WOULD BE A PART OF AN AGREEMENT IN ORDER THAT THEY NOT BE SUBJECT TO REVOCATION. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Keller. Mr. Upchurch indicated during the Camp Durant work session, various Council Members had indicated they would contact different towns in the county. He stated he did contact Apex and Fuquay and they are very much behind the City Council's action. He indicated the Intergovernmental would be talking with the Committee Thursday at 9:00 a.m. and it would be well for everyone to attend if possible. The motion as stated was put to a roll call vote which resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE CIVIC CENTER AUTHORITY

CIVIC CENTER FOOD SERVICE CONTRACT - AWARDED TO OGDEN FOOD SERVICE CORPORATION SUBJECT TO FINAL NEGOTIATION

The Authority has previously sent out requests for proposals and a copy of the request will be included in Council Members' Agenda packets. Proposals were received from the following companies:

American Motor Inns Incorporated (AMI)
Canteen Food and Vending Service
Dobbs House, Inc.
Entertainment Services Division
Kwik Kafe
Morrison's Management Service
Ogden Food Service Corporation
Servomation

Clarence E. Lightner, Chairman of the Civic Center Authority, explained the procedure the Authority has gone through in soliciting proposals. He indicated the Authority had gone through the proposals and selected three - Canteen Food and Vending Service, Ogden Food Service Corporation and Servomatic. He indicated after much study, comparing statistics and analysis, the Civic Center Authority RECOMMENDS THAT OGDEN FOOD SERVICE CORPORATION BE AWARDED THE CONTRACT SUBJECT TO THE FINAL NEGOTIATION OF SPECIFIC WORDING OF A PROPOSED CONTRACT. Brief discussion took place on Ogden and Civic Center Director Krupa indicated when they started this process everyone felt that AMI would get the new contract but they did not bid the contract as aggressively as some of the larger companies. He indicated they looked at Canteen locations pointing out they are primarily institutional and a lot of the locations were in New York. He stated they were B&I and tended to be cafeteria style. He indicated Servomatic has some new money behind it but they do not have as many civic centers as Ogden. He went over Ogden's credentials indicating they have served the Capitol Center in Landover, Maryland, Los Angeles, Houston, and some twenty other civic centers. He stated they met all requirements that was specified in the request and have proposed to offer quarterly assessments. He indicated they have stated that they do not feel they will be able to make any money for the first two of the three years of the contract, but they would just like an opportunity to "show off" in the Raleigh Civic Center because of the growing environment in the area. He indicated they offered some very innovative ideas.

Ms. Babb indicated she wanted to commend the Civic Center Authority on the process that was followed. She indicated the members and the staff worked out a very sound, clear, logical process, a very clear RFP and the competition was very keen. She indicated they made trips to view different installations and she feels a lot of thought and effort went into this recommendation and she would like to commend them for the total process. Discussion took place on the quality of the food, as it would relate to the present cater with Mr. Krupa indicating he feels that the present caterer has done a good job. He stated Ogden has said that they will keep at least the same quality or better. He indicated Ogden did submit menus and prices that would be good for a year and he feels maybe it is a good time for a change. Mr. Walters indicated he knew the Authority had done a lot of work and he just needs to be reassured that they selected the best firm. He indicated Canteen is a locally owned national firm and he just wanted to make sure that the recommendation by the Authority is for the best caterer. Mr. Krupa indicated Canteen did come back with an additional offer very late in the process and they upped their bids. How this occurred was discussed briefly with Mr. Lightner pointing out that they were very careful to be extremely ethical in this situation. He indicated they gave everyone the same opportunity and they feel that they have made a good recommendation. Mr. Jordan moved that the Civic Center Authority's recommendation be upheld which was seconded by Ms. Babb and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

Mr. Walters indicated the Council had received a letter form AMI and he would like to refer that to Administration for response. City Manager Zachary indicated he would respond to the letter and give Council Members a copy of his response.

REPORT AND RECOMMENDATION AND RECOMMENDATION OF THE CITY MANAGER

PRIVATE DRIVE IN PUBLIC RIGHT-OF-WAY - REFERRED TO THE PUBLIC WORKS COMMITTEE

The Department of Transportation has received a Driveway Permit Application requesting permission to utilize a section of public right-of-way to access an existing lot.

The proposed driveway would be 16 feet wide and 440 feet long of which 390 feet would lie within this public right-of-way. The driveway would be constructed with six inches of stone with the possibility of paving it with asphalt in the future. Appropriate drainage swells would be provided to handle water runoff.

A memorandum from the Transportation Director was included in the Council Members' Agenda packets.

RECOMMENDATION: The Department of Transportation recommends that the City Council refer the following driveway question to a committee to develop an agreement covering liability, maintenance responsibility, and/or future street construction responsibility. Mr. Walters MOVED THAT THE MATTER BE REFERRED TO PUBLIC WORKS COMMITTEE. His motion was seconded by Mr. Edwards and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

COMMUNITY DEVELOPMENT RELOCATION - RESOLUTION ADOPTED

Based on the findings of the Department of Housing and Urban Development concerning our relocation program, they have strongly requested that we revise our housing assistance payments to renters and owner/occupants that are displaced as a result of Community Development activities.

There was included in Council Members' Agenda packets a copy of the monitoring letter from the Department of Housing and Urban Development and a copy of the proposed resolution to be adopted by the City Council.

RECOMMENDATION: Adoption of the resolution is recommended. Mr. Jordan MOVED ADOPTION OF THE RESOLUTION AS RECOMMENDED. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) 226

WHEREAS, Section 570.602(c) of HUD's Community Development Block Grant regulations permits the grant recipient to provide relocation payments and assistance at a level in excess of the Uniform Relocation Act levels to persons eligible for relocation assistance under the Uniform Relocation Act (P.L. 91-646); and

WHEREAS, the Community Development Department desires to recommend to City Council the adoption of a written policy available to the public setting forth rental assistance payments and replacement housing payments by homeowners to be provided to eligible individuals and families displaced and relocated as a result of acquisition and demolition activities funded by the Community Development Block Grant Program; and

WHEREAS, inflation has greatly increased housing costs yet the maximum rental assistance payment and replacement housing payments for homeowners have remained constant since 1970; and

WHEREAS, the Community Development Department proposes to increase the housing options available to families and individuals displaced by the Community Development Block Grant funded acquisition and thereby affirmatively further fair housing.

NOW, THEREFORE, BE IT RESOLVED that the Raleigh City Council approves the establishment of a policy of optional relocation assistance and housing opportunities applicable to individuals and families displaced by acquisition funded by the Community Development Block Grant Program subject to the following conditions and criterions;

1. The displaced family or individual (hence forth referred to as the displacee), must be eligible for relocation benefits under the Uniform Relocation Assistance and Real Property Act due to acquisition of property funded by the Community Development Block Grant Program.

2. The displacee is a tenant for whom comparable, decent, safe and sanitary housing cannot be located after at least a 45-day search commencing with acquisition when the normal maximum rental assistance payment of $4,000 is used.

3. The displacee (tenant) has not rejected referrals to comparable subsidized housing units without reasonable cause. (If a potential displacee (tenant) rejects comparable subsidized housing referral without reasonable cause, optional relocation assistance is forfeited).

4. The displacee (tenant) agrees to accept $4,000 in an initial lump sum with any amount up to an additional $3.000 to be paid in equal annual increments over a three-year period beginning one year from the time of the first payment of $4,000 and accompanied by a reinspection of the dwelling unit.

5. The computation of rental assistance payments will be in accordance with HUD's procedure under the Uniform Relocation Act except that the maximum payment may not exceed $7,000. Any displacees receiving optional relocation rental assistance payments who move from a replacement housing unit prior to receipt of the total rental assistance payment shall continue to receive the remaining payments due under the original payment schedule provided the displacee continues to reside in comparable standard housing within Wake County; and provided further that the displacee is not otherwise eligible for relocation payments under the Uniform Relocation Act as a result of such subsequent move or moves.

   The computation of downpayment assistance will be in accordance with HUD's procedures under the Uniform Relocation Act except that the maximum payment may not exceed $7,000 and the displacee (tenant) would not be required to match dollar for dollar the amount in excess of $2,000.

6. The displacee is a 180 day homeowner-occupant when the normal maximum replacement housing payment of $15,000 would require the displacee's housing cost to exceed 25 percent of gross income.

7. The replacement housing payment for a 180 day homeowner-occupant who meets HUD Uniform Relocation Act eligibility requirements, would be eligible to require a payment not to exceed $18,500, which represents the combined cost of --

   (1) The amount, if any, by which the cost of a replacement dwelling exceeds the Housing Authority acquisition cost for the acquired dwelling;

   (2) The amount, if any, necessary to compensate the displacee for any increased interest costs and other debt service costs to be incurred in connection with the mortgage(s) on the replacement dwelling, as determined under the Uniform Relocation Act; and

   (3) The amount of the reasonable incidental expenses, as determined by the Uniform Relocation Act, that are incidental to the purchase of the replacement dwelling, but not including prepaid expenses.

8. If the purchase price of the replacement dwelling exceeds the price of a comparable replacement dwelling, the amount payable for incidental expenses shall not exceed the cost that would have been incurred if the displacee purchased a comparable replacement dwelling.

9. The displacee is relocated after adoption of this optional assistance policy.

BE IT FURTHER RESOLVED that conditions (2) through (9) stated above shall be applicable to families and individuals displaced by the Housing Inspection Code Enforcement Program in the Community Development target areas.

Adopted: 5/3/83

CETA AUDIT SETTLEMENT - FY 79-80 - MAYOR AUTHORIZED TO SIGN AND ISSUE CHECK

To settle the audit exceptions from the 1979 and 1980 CETA Audit, it is necessary to sign a Stipulation of Settlement which will allow the City to repay the Department of Labor (DOL) from the 1983 CETA Grant. The amount to be repaid is $11,884. This amount represents excess, indirect costs which were claimed by the City to operate the CETA Program in FY 80. What we will be doing, in effect, is providing $11,884 worth of administrative services as repayment for the amount of overclaimed costs in 1980. The final portion of the settlement involves repaying the Department of Labor - CETA $897 in sales taxes, which the City holds in a sales tax account. These are funds which would ordinarily have gone to the CETA Program in 1980. These two actions will settle all costs regarding the 1979 and 1980 CETA Grant. A copy of the Stipulation of Settlement was included in Council Members' Agenda packets.

RECOMMENDATION: It is recommended that the City Council authorize the Mayor to sign the Stipulation of Settlement and authorize the Finance Director to issue a check in the amount of $897 to the Department of Labor. Mr. Jordan MOVED ADMINISTRATION'S RECOMMENDATION BE UPHELD. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

CAPITAL BUDGET - TO BE PLACED ON MAY 17 AGENDA

City Manager Zachary indicated he had placed this item on the Agenda indicating it would be appropriate to adopt the Capital Budget or to authorize another Special Work Session to consider it. He indicated no action has been taken and he just wanted to make sure it was not forgotten. Brief discussion took place and Mayor York REQUESTED THAT THE CAPITAL BUDGET BE PLACED ON THE MAY 17 AGENDA AS A SPECIAL ITEM. He indicated to Council Members that if they had any changes in the Capital Budget as presented to bring them to that meeting in an orderly manner so that the changes could be made and the budget hopefully adopted.

BANKING SERVICES BID PROPOSALS - AWARDED TO BRANCH BANKING AND TRUST COMPANY

Finance Director Hill indicated the City bids its bank services about every two years and explained how the services has been provided in the past. He indicated this year they have proposed that the City pay the bank's cost in processing and handling our account in exchange for the opportunity to invest 100 percent of all of the City dollars 100 percent of the time. He indicated it was felt that this was a good process and would be fair to everyone involved. He indicated the RFP's were mailed on March 31 to thirteen banks with a reply due by April 8. He explained four banks, NNNB, Wachovia, Planters and Branch Bank and Trust Company responded. Mr. Hill indicated the City is indebted to these banks to respond as it was a hard RFP to answer. He indicated the City staff has evaluated the proposals and he would recommend THAT THE CITY COUNCIL AUTHORIZE THE CITY TO UTILIZE BRANCH BANKING AND TRUST COMPANY AS THEY WERE MOST PRICE COMPETITIVE, CAN PROVIDE THE SERVICE REQUIRED AND THE CITY MAINTAINS A GOOD WORKING RELATION WITH THEM. It was pointed out that this would be for a three-year period July 1, 1983 through June 30 1986. Brief discussion took place and Mr. Upchurch moved Administration's recommendation be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. Finance Director Hill expressed appreciation to the Council for working with the Finance Department to enable them to ensure that the City gets the most for its money by providing the various computerized equipment requested. Mr. Hill introduced Cash Manager Doug Hammer.

DAM RESTORATION PROJECT - PROPOSED AMENDMENT NUMBER 2 WITH MALCOLM PIRNIE - APPROVED

Copies of a proposed Amendment Number 2 to the Engineering Agreement between the City of Raleigh and Malcolm Pirnie regarding the improvements to the dams located at Lakes Wheeler, Benson, and Johnson were included in the Council Members' Agenda packets. This Amendment Number 2 establishes the specific authority and vehicle for payment for the resident inspection on the project, as well as general construction supervision. An explanation will be made at the Council Meeting.

RECOMMENDATION: It is recommended that the City Council authorize the execution of this agreement by the Mayor. Mr. Edwards MOVED ADMINISTRATION'S RECOMMENDATION BE UPHELD. His motion was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

SPRING FOREST ROAD UNDERPASS - DESIGN SERVICES - AWARDED TO BIGGER AND AGNEW, INC. - FUNDS APPROPRIATED

On April 19, 1983, the City Council authorized the design of the Spring Forest Road extension from its terminus east of the railroad to the new Atlantic Avenue. Administration has discussed the feasibility of an amendment to the design contract for Atlantic Avenue north of Millbrook Road which is being performed by Bigger & Agnew, Inc. ADMINISTRATION RECOMMENDS THAT AN AMENDMENT TO THE CONTRACT WITH BIGGER & AGNEW BE APPROVED TO PROVIDE FOR THE DESIGN OF THIS FACILITY IN CONJUNCTION WITH THE ROADWAY WORK IN THIS AREA AND APPROPRIATION FROM THE FERNDALE CONTINGENCY AND RESERVE - COUNCIL PROJECTS OF $56,000 TO COVER THIS WORK. Mr. Walters moved Administration's recommendation be upheld which was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Resolution 222 TF 38.

ADDENDUM

TRANSFERS- PUBLIC WORKS DEPARTMENT - RESOLUTION AUTHORIZED

A transfer in the amount of $2,900 in the Public Works Department to provide sufficient funds to complete the fiscal year was presented. ADMINISTRATION recommends approval of the transfer as outlined. Mr. Edwards moved Administration's recommendation be upheld which was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Resolution 222 TF 38.

PARKS AND RECREATION DEPARTMENT - BUDGET AMENDMENT - AUTHORIZED

A budget amendment in the amount of $15,000 to upgrade the budget to meet the program demands of the community at Sertoma Park was presented. ADMINISTRATION RECOMMENDS APPROVAL OF THE BUDGET AMENDMENT AS OUTLINED ON THE ADDENDUM. Mr. Jordan moved Administration's recommendation be upheld which was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

ORDINANCE NO. (1983) 112

AN ORDINANCE TO AMEND THE 1982/1983 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1982/1983 Budget Ordinance be amended to upgrade the budget to meet the program demands of the Community:

Revenue:

19-1-8390-001	Fees	$15,000.00

Expense:

19-2-8390-100	Salaries	$12,000.00
19-2-8390-260	Off & other Supplies	1,500.00
19-2-8390-992	Refunds	1,500.00

Adopted: 5/3/83

REIMBURSEMENT CONTRACT - PARAGON GROUP - APPROVED

A reimbursement contract has been prepared for Council approval and the Mayor's signature. Cost have been certified by the Central Engineering Department. The contract is with Paragon Group, 12-inch water line, NC 50 - area 8 - number 18 - $17,720. APPROVAL IS RECOMMENDED AND AUTHORITY FOR THE MAYOR'S SIGNATURE IS REQUESTED ON THIS REIMBURSEMENT CONTRACT. Ms. Babb moved Administration's recommendation be upheld. Her motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

LASSITER MILL PROPERTY - POTENTIAL DEVELOPMENT - REFERRED TO THE REAL ESTATE COMMITTEE

On April 22, 1983, representatives of the owners of Lassiter Mill property submitted an official request to consider subdivision of approximately 8.4 acres on the west sides of Lassiter Mill Road. This tract includes property on both side of Crabtree Creek on the old Lassiter Mill site. The parks plan element of the Comprehensive Planning includes Project P-5 which is "Lassiter's Mill - acquire the Lassiter Mill site and restore as special history park (priority number 1)" It is recommended that the City Council REFER THIS ITEM TO THE REAL ESTATE COMMITTEE FOR CONSIDERATION. Mr. Edwards moved that Administration's recommendation be upheld which was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

ANNEXATION - TAX BILLING COST - PART-TIME HELP AUTHORIZED

The decision of Council to annex North Boulevard Centre, the Shires Apartments, Tower Shopping Center area and the US 70 area at mid-year creates a tax billing problem which requires substantial additional work by the Finance Department. Wake County will not handle pro-rated tax billings. In order to provide the ad valorem tax billing and collection services, it is felt that a part-time OA-4 position will be needed for a six-month period at the total cost of $5,520. Of this amount $1,380 needs to be appropriated in FY 82-83 with the remainder of the FY-83-84 budget. Administration RECOMMENDS THAT THE REQUEST FOR A PART-TIME OA-4 POSITION BE AUTHORIZED AND THE FY 82-83 AMOUNT BE APPROPRIATED FROM COUNCIL CONTINGENCY WITH THE UNDERSTANDING THE REMAINDER WILL BE ADDED TO THE 83-84 BUDGET. Mr. Edwards moved Administration recommendation be upheld. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Ordinance 106 TF 38

REPORT OF MAYOR AND COUNCIL MEMBERS

Mayor York indicated he would have to leave the meeting at approximately 3:30; therefore, he would request that he be allowed to make his report at this time. Without objection, it was agreed to move the Mayor's Report up.

CARRIAGE HOUSE - REFERRED TO PUBLIC WORKS COMMITTEE

Mayor York indicated he had received a letter from the Raleigh Housing Authority relative to the Carriage House. He indicated they are not in the position to approve a possible use of the property and he would like for Council to look at it. He stated without objection, HE WOULD REFER THE ISSUE RELATING TO THE CARRIAGE HOUSE TO THE PUBLIC WORKS COMMITTEE. Without objection, the item was so referred.

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

CABLEVISION - INTERIM REPORT - RECEIVED

City Attorney McCormick indicated he has supplied Council Members with an interim report relating to Cablevision. He pointed out neither Future Cable Communications nor Cablevision of Raleigh has been able to supply the information requested by the City's consultants by the suggested deadline of Friday, April 29; therefore, he would suggest that the deadline be extended up to including Friday, May 6. Brief discussion took place and Mr. Keller MOVED THAT THE DEADLINE BE EXTENDED AS RECOMMENDED BY THE CITY ATTORNEY. His motion was seconded by Mr. Upchurch and passed unanimously.

City Attorney McCormick indicated the interim reported addressed to the Council was dated May 3, 1983. He stated he would be glad to answer questions concerning the report. He stated the one other thing that he feels Council should address in the interim report relates to his suggested answers to the list of questions prepared by Future Cable Communications which the Council directed him to answer. He stated they are his suggested answers but he would suggest the Council review these answers to assure that they are in accord with the Council's feelings. Discussion took place as to when the questions were submitted, whether the questions relate to the questions the City consultants have asked and the possibility of giving additional time to the two companies to answer the consultants' questions. City Attorney McCormick indicated he did not feel the questions asked by Future Cable Communications have anything

to do with or relate to the answers that have been requested to the City's consultants. After brief discussion with City Attorney McCormick indicating he had answered some of the questions previously, it was agreed THAT THE CITY ATTORNEY WOULD SEND THE ANSWERS AS OUTLINED IN THE INTERIM REPORT TO FUTURE CABLE COMMUNICATIONS AS HIS OPINION AND ANY DIFFERENCES IN INTERPRETATIONS THE COUNCIL PERSONS HAVE COULD BE BROUGHT UP AT THE MAY 17 MEETING.

THE COUNCIL TOOK A TEN MINUTE RECESS AT 3:35 AND MAYOR YORK WAS EXCUSED FROM THE REMAINDER OF THE MEETING.

PARKING LOT LANDSCAPING ORDINANCE - CLARIFIED

City Attorney McCormick indicated during the last Council Meeting, the City Council adopted an ordinance relating to parking lot landscaping. He indicated in the ordinance there are words to the effect that trees, shrubs, etc., "may" be located in certain places. City Attorney McCormick indicated he felt it was the intent of the Council to say that the landscaping "shall be" located at certain places. Brief discussion took place with all Council Members agreeing after which Mr. Upchurch MOVED THAT THE LANDSCAPING ORDINANCE ADOPTED APRIL 19 BE CORRECTED AS OUTLINED BY THE CITY ATTORNEY. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. MAYOR PRO TEM WALTERS RULED THE MOTION ADOPTED.

BENT CREEK TOWNHOUSES PHASE III - LETTER OF CREDIT AUTHORIZED

City Attorney McCormick indicated the Council recently approved a subdivision called Bent Creek Townhouses. He indicated the developer would like a 90-day postponement in putting in street and water mains as required in the subdivision approval. He pointed out the Engineering Department has set the value of these improvements at approximately $130,000. He indicated the owners of Bent Creek WOULD LIKE PERMISSION TO SUPPLY A LETTER OF CREDIT IN THE AMOUNT OF $130,000 FOR 90-DAYS AND DELAY THE IMPROVEMENTS FOR THAT SAME LENGTH OF TIME. Mr. Edwards MOVED APPROVAL FOR THE DEVELOPERS OF BENT CREEK TOWNHOMES TO FURNISH THE LETTER OF CREDIT AS OUTLINED BY THE CITY ATTORNEY SUBJECT TO CLEARANCE OF ALL INVOLVED DEPARTMENT HEADS. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE MAYOR AND COUNCIL MEMBERS - CONTINUED

PROSPECT STREET - DUMPING PROBLEM - REFERRED TO ADMINISTRATION

Mr. Keller indicated he has mentioned this problem to Administration before, but he would like for it to be rechecked. He indicated the City owns a lot on Prospect Avenue and there is continuous dumping of material and debris. He questioned who was doing the dumping and why it could not be cleaned. Without objection, THE PROBLEMS OF THE PUBLIC NUISANCE ON PROSPECT AVENUE WERE REFERRED TO ADMINISTRATION.

AFFIRMATIVE ACTION PLAN - REFERRED TO LAW AND FINANCE COMMITTEE

Mr. Calloway indicated recently the City Manager provided Council with some information on the Affirmative Action Plan and in his memo the Manager had suggested the possibility that it be referred to Committee. Mr. Calloway MOVED THAT THE AFFIRMATIVE ACTION PLAN BE REFERRED TO THE LAW AND FINANCE COMMITTEE FOR STUDY. His motion was seconded by Ms. Babb and passed unanimously. MAYOR PRO TEM RULED THE MOTION ADOPTED.

PUBLIC NUISANCE - 700 BLOCK OF ROCK QUARRY ROAD - REFERRED TO ADMINISTRATION

Mr. Calloway requested that Administration look at a problem on the east side of the 700 block of Rock Quarry Road. He indicated this property contains some disabled buses that are being used as a storage place for clothing, shoes, etc. He indicated it is an eyesore and should be cleaned up. Without objection, the matter was referred to Administration.

SPEED LIMIT - SOUTH STATE STREET - REFERRED TO ADMINISTRATION

Mr. Calloway ASKED ADMINISTRATION TO LOOK AT THE POSSIBILITY OF MOVING THE SPEED LIMIT SIGN FURTHER NORTH ON SOUTH STATE STREET AS YOU GO UNDER THE BELTLINE. HE INDICATED THE REDUCED SPEED SIGN IS SO CLOSE TO BUNCHE STREET THAT BY TIME PEOPLE DECELERATE UPON SEEING THE SIGN, THEY ARE ALREADY INTO THE RESIDENTIAL COMMUNITY. Without objection, the item was referred to Administration.

WOMAN'S CLUB DRIVE - POSSIBILITY OF CITY MAINTENANCE - REFERRED TO THE LAW AND FINANCE COMMITTEE

Mr. Jordan REQUESTED AN ITEM RELATING TO WOMAN'S CLUB DRIVE AND THE POSSIBILITY OF THE CITY TAKING OVER MAINTENANCE BE REFERRED TO LAW AND FINANCE COMMITTEE. Discussion took place with it being pointed out a rezoning case relating to Woman's Club Drive was referred to Public Works Committee. Mr. Jordan indicated this is an entirely separate section of Woman's Club Drive and what he is referring to the private street in front of the Woman's Club. Without objection, the item was referred to Law and Finance Committee.

CABLEVISION - REPORT RECEIVED

Mr. Jordan presented Council Members with a memo dated April 30, 1983 on his trip to Washington relating to Cable Legislation. The report was received.

Later in the meeting, Mr. Jordan INDICATED HE WOULD REQUEST THE CITY COUNCIL TO SUPPORT THE EFFORTS AS OUTLINED IN HIS MEMO TO FOLLOW THIS PROCESS TO ALLOW HIM TO DO THAT WITH THE ASSISTANCE OF THE CITY ATTORNEY. His motion was seconded by Mr. Calloway. Mr. Edwards questioned if he meant follow up on the City's concern relating to Senate Bill 66 and to keep the Council informed with Mr. Jordan indicating that is correct. The motion as stated was put to a vote and passed unanimously. THE MAYOR PRO TEM RULED THE MOTION ADOPTED.

CABLE ADMINISTRATION - REFERRED TO LAW AND FINANCE COMMITTEE

Mr. Jordan presented Council Members information on the need to go ahead and set up the Cable Administration. He stated HE WOULD LIKE TO REFER TO THE LAW AND FINANCE COMMITTEE THE QUESTION OF CABLE ADMINISTRATION SO THAT THE COMMITTEE COULD GO AHEAD AND START WORKING ON AND DEVELOPING A PROCESS. Without objection, the item was so referred.

TRAFFIC - SPEED LIMIT ON SUNNYBROOK ROAD - REFERRED TO ADMINISTRATION

Mr. Walters indicated on Sunnybrook Road just south of Falstaff as you are approaching Falstaff you do not see the reduce speed sign until you are over the hill and then it is too late. He indicated this is the location where a deputy sheriff had a severe wreck. He indicated he would like FOR ADMINISTRATION TO LOOK INTO THE POSSIBILITY OF MOVING THE REDUCE SPEED SIGN SO THAT IT CAN BE SEEN QUICKER. Without objection, the item was referred to Administration.

STREAMS - RESPONSIBILITY OF DEBRIS - REFERRED TO THE PUBLIC WORKS COMMITTEE

Mr. Edwards indicated he would like TO REFER TO THE PUBLIC WORKS COMMITTEE AN ITEM RELATING TO RESPONSIBILITY OF DEBRIS IN FLOWING STREAMBEDS. He indicated the problem is that many times debris is deposited in a creek and the flow takes the debris to another location. He indicated he knew that we had the public nuisance abatement procedure but pointed out a lot of these streams are on City and/or State right-of-way and he does not see the City out there cleaning them up. He stated he was just wondering if sometimes we are not going overboard in requiring the abutting property owners to bear all this responsibility. Without further discussion, the matter was referred to Public Works Committee.

WAKE FOREST ROAD - POSSIBILITY OF UNAUTHORIZED VEHICLES - REFERRED TO ADMINISTRATION

Mr. Upchurch indicated he had heard reports of 18 wheelers loaded with steel and Trailway buses utilizing Wake Forest Road. He indicated he knew that they were prohibited REQUESTED ADMINISTRATION TO LOOK INTO THIS UNAUTHORIZED USE.

ROAD BOND ENABLING LEGISLATION - REMOVED FROM INTERGOVERNMENTAL COMMITTEE AND TRANSFERRED TO TAC

Mr. Upchurch indicated recently he had an item referred to the Intergovernmental Committee relating to a letter he had received from the Planning Commission requesting the TAC to support enabling legislation for the County to have road bond referendums. He indicated this item should be in the TAC; therefore, HE WOULD REQUEST THAT THE ITEM RELATING TO ENABLING LEGISLATION FOR COUNTIES TO ISSUE ROAD BONDS TO BE REFERRED FROM THE INTERGOVERNMENTAL COMMITTEE TO THE TAC. Without objection, the item was so referred.

WAKE TECH - SECOND CAMPUS - RESOLUTION ADOPTED - MATTER REFERRED TO THE INTERGOVERNMENTAL COMMITTEE

Mr. Upchurch read a resolution relating to the location of the second campus of Wake Technical Institute and presented Council Members with a copy. Brief discussion took place and Mr. Upchurch MOVED ADOPTION OF THE RESOLUTION AND REFERRAL OF THE RESOLUTION TO THE INTERGOVERNMENTAL COMMITTEE TO DISCUSS WITH THE COUNTY. His motion was seconded by Mr. Calloway and passed unanimously. MAYOR PRO TEM RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) 227

WHEREAS, Wake Technical College is considering a second campus location to supplement the activities at its facility on U.S. 401 South; and

WHEREAS, the Wake County Board of Commissioners is considering providing funds to assist in the building of another campus.

NOW, THEREFORE, BE IT RESOLVED, by the governing board of the City of Raleigh assembled in regular session on Tuesday, May 3, 1983:

1. The location of a campus facility within the City of Raleigh or very near the City boundary is essential to assure that residents of Raleigh can benefit from the services offered by Wake Technical College.

2. The acquisition of land for a satellite campus must take into consideration the following factors to allow the facilities to most effectively serve all the residents of Wake County:

a. the City of Raleigh has almost 50 percent of the residents of Wake County within its corporate limits;

b. the current campus is more than ten miles from the City of Raleigh;

c. location of a facility adjacent to the Raleigh Beltline in east or northeast Raleigh will provide excellent access to most of the residents of Wake County; and

d. the second campus should be so located to be served by the mass transit system as well as municipal water and sewer facilities.

3. Locating a second campus that is also ten miles from the City of Raleigh would not provide a facility which can most efficiently serve the residents of Wake County which includes the more than 160,000 individuals living within the City of Raleigh.

Adopted: 5/3/83

REPORT OF CITY CLERK AND TREASURER

SEWER ASSESSMENT ROLL 994 - RESOLUTION ADOPTED

The City Clerk presented preliminary Sewer Assessment Roll 994 for the installation of a sewer main beginning at Hare Snipe Outfall, northward, for approximately 250 feet. The Clerk RECOMMENDED THAT THE RESOLUTION BE ADOPTED WHICH WOULD SET A PUBLIC HEARING FOR JUNE 7, 1983, TO CONSIDER CONFIRMATION OF COST.

Mr. Keller moved adoption of the Resolution which was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. MAYOR PRO TEM WALTERS RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) 228

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

SEWER ASSESSMENT ROLL NO. 994

WHEREAS, by Resolution No. 1982-65 adopted by the City Council on October 19, 1982, the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed: Installation of approximately 375 feet of 8-inch sanitary sewer main, beginning at Hare Snipe Outfall and continuing 250 feet northward to Leesville Road and hence northward in the proposed Pleasant Hills Drive.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $6,680.95.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvements. The basis for assessment is front footage.

Section 4. That the following assessments are hereby declared against abutting property as follows: according to the average cost as determined by the City Council under authority contained in Chapter 315 of the North Carolina Session Laws, 1963.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	FRONTAGE ASSESSED	AMOUNT ASSESSED
Norman & Kathern Bartholomew	1	0068641	6	135.0	$1,480.95
F. Carter Williams	2	0077372	7	91.24	1,000.90
F. Carter Williams	3	0077372		382.78	4,199.10

Cost Per Foot: $10.97

Section 5. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any

property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually in the unpaid balance of the assessment.

Section 6. That this Assessment Roll No. 994 is hereby ordered filed in the Office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 7. That a public hearing will be held on the 7th day of June, 1983 at 7:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 8. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 5/3/83

TWIN PINES UTILITY EASEMENT - DEFERRED UNTIL THE NIGHT SECTION OF THE MEETING

During the April 19, 1983, Council Meeting, the City Council authorized publication of a notice of intent to consider adopting a resolution authorizing the exchange of real property of the City of Raleigh with real property of William W. Stanley and Wilma T. Stanley. This exchange relates to a utility easement across Lots 94-95, owned by the Stanleys. The next step would be to adopt a resolution authorizing the exchange. In addition, it is proposed that several conditions upon the Twin Pines sewer installation across from Mr. Stanley's property be reduced to contract form and authorized for approval. Mr. Stanley has requested permission to address the Council relative to this matter; therefore, I would suggest that action be held on adopting this resolution and approving the contractural agreements concerning the Twin Pines project until Mr. Stanley has had an opportunity to speak during the evening session of the meeting. Without discussion, it was agreed to hold action on this item until the night portion of the meeting.

MEETING - APRIL 19 - APPROVED

The City Clerk indicated Council Members received copies of minutes of the April 19, 1983, Council Meeting. Mr. Keller MOVED APPROVAL OF THE APRIL 19 MINUTES AS PRESENTED. His motion was seconded by Mr. Calloway and put to vote which passed unanimously. MAYOR PRO TEM WALTERS RULED THE MOTION ADOPTED.

ADJOURNMENT

There being no further business, MAYOR PRO TEM WALTERS RULED THE MEETING ADJOURNED AT 4:05 P.M. TO BE RECONVENED AT 7:00 P.M.

Gail G. Smith
City Clerk/Treasurer

dg/May

The City Council of the City of Raleigh met in regular reconvened meeting on Tuesday, May 3, 1983, at 7:00 p.m. in the City Council Chamber of the Municipal Building with the following present:

Mayor Pro Tem Walters, Presiding
Ms. Babb
Mr. Calloway
Mr. Edwards
Mr. Jordan
Mr. Keller
Mr. Upchurch

Mayor York - absent and excused

Mayor Pro Tem Walters called the meeting to order indicating Mayor York was out of town and had been excused from the meeting.

REQUESTS AND PETITIONS OF CITIZENS

PUBLIC NUISANCE AND HEALTH HAZARD - 2400 CRABTREE BOULEVARD - REFERRED TO THE PUBLIC WORKS COMMITTEE

Dr. Cliff Baker, 4816 Deerwood Drive, indicated Council Members had received a packet of information relative to the problem he has and his request to discuss condemnation of a commercial building which represents an immediate hazard or threat to life, safety, or health. Dr. Baker indicated in addition to the information supplied in the Agenda packet and as a result of the clearing of weeds and other debris it has become quite clear what has taken place. He explained problems with the driveway ending abruptly. It is broken up with some of the large chunks in the middle of the creek bed. He indicated it has suffered heavy damage from flooding and is causing even further damage to the area. Dr. Baker explained the problems in detail referring to the flooding, the erosion problems, driveway problem, a report that he has received from OSHA citing five hazardous conditions and problems that occur when flooding takes place in the area. He presented a sketch of the area to better illustrate the remarks he had made in the written material and statement to the Council.

City Manager Zachary read a letter dated May 2, 1983, from the Assistant Inspections Supervisor indicating all the building code violations have been corrected; however, a soil erosion problem still exists. Inspections Supervisor Parrish indicated that it is their conclusion that at the present time there is no threat of an immediate health hazard and that all the work requested by the City has been done. A brief discussion took place and Mr. Edwards MOVED THAT THE PROBLEMS RELATING TO 2400 CRABTREE BOULEVARD BE REFERRED TO PUBLIC WORKS COMMITTEE. His motion was seconded by Mr. Keller and passed unanimously. MAYOR PRO TEM RULED THE MOTION ADOPTED.

TWIN PINES UTILITY LINE - COMMENTS RECEIVED; RESOLUTION AUTHORIZING EXCHANGE OF EASEMENTS - APPROVED

William Stanley, a resident of Balsam Drive, indicated he was at the meeting tonight to ask the Council to reconsider the condemnation of his property. He indicated the City has taken advantage of an ordinary citizen and used its powers in a way that he feels was not intended. He gave a history of the project and the agreement between the City of Raleigh and W. C. Mangum relating to the Twin Pines Annexation. He detailed the history of this project. He explained the agreement entered into between the City of Raleigh Mangum on April 23, 1980, in which the developer agreed to pay all costs associated with providing water and sewer to the property. He indicated it has been acknowledged on several occasions that it would work to put the utility line in the right-of-way but it would just cost more. He indicated his denial to sell the easement hasn't stopped the project; it would just make it cost more. He indicated he doesn't feel that the way the City uses its power of eminent domain is moral and just. He indicated he was first offered $1,000 for the easement then $3,100 and the final offer was $5,500 plus removing an old easement. He stated his property has suffered $7,200 of damage. He quoted from the real estate acquisition procedure of the City and asked if the Council felt that fair negotiations have been attempted, that Councilman Edwards was the engineer of record on this project and he questioned his participation in this item. He called on the Council to demonstrate for the public that in this particular case that the City Council is not going to use its power of eminent domain to help the developers against ordinary property owners. He indicated if there are any property owners in the Downtown East area that he would caution them not to accept the City's first offer as the City does not seem to negotiate as fair as they should.

Mr. Edwards indicated he is no longer engineer of record of that project. He indicated his work is completed and it has been turned over to the City. Discussion took place on the status of the project with it pointed out the project is under contract. Discussion took place as to how many other lots this easement crosses with Chief Engineer Thomas explaining the project and pointed out that the City normally tries to follow the lowest topography features when locating easements. After lengthy discussion as to why the wide range of offers, the fact that the City did choose a route that was least destructive, how the City acquires easements and the history in this case in general, Mr. Jordan MOVED ADOPTION OF A RESOLUTION AUTHORIZING THE EXCHANGE OF REAL PROPERTY OF THE CITY OF RALEIGH WITH REAL PROPERTY OF WILLIAM W. STANLEY AND WILMA T. STANLEY AND THE CONTRACT RELATING TO CONDITIONS UPON THE TWIN PINES SEWER INSTALLATION BE APPROVED. His motion was seconded by Mr.

Calloway and after other discussion put to a vote. Mr. Edwards indicated even though he is no longer the engineer of record he did not know whether he should vote on this item. City Attorney McCormick indicated probably it would be better if he did not. Mayor Pro Tem Walters stated WITHOUT OBJECTION, MR. EDWARDS WOULD BE EXCUSED. The motion as stated was put to a vote which resulted in all members voting in the affirmative except Mr. Edwards who was excused in this matter and Mayor York who was excused from the meeting. MAYOR PRO TEM WALTERS RULED THE MOTION ADOPTED. See

RESOLUTION NO. (1983) 229

RESOLUTION AUTHORIZING EXCHANGE OF PROPERTY

WHEREAS, at its regular meeting on the 19th day of April, 1983, the City Council of the City of Raleigh adopted a resolution stating its intent to consider at its regular meeting to be held on the 3rd day of May, 1983, exchange of certain real property of the City for certain other real property; and

WHEREAS, public notice of the intent of the Council and of the time and place of the meeting was published as required by law; and

WHEREAS, at its regular meeting on the 3rd day of May, 1983, the City Council considered the exchange of property; and

WHEREAS, the City Council has determined that the City will receive fair consideration for its property in the exchange and it is appropriate to make the exchange of properties;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, that:

Section 1. The Mayor and City Clerk are hereby authorized to execute deeds and other necessary documents in order to effect an exchange of the real property of the City of Raleigh described below for the real property of William W. Stanley and wife described below, and to deliver and receive appropriate deeds and other documents:

a. Property of the City: Utility easement lying between lots #94 and #95, and presently situated over property of William W. Stanley, as shown in Book of Maps 1963, p. 202.

b. Property of William W. Stanley lying within the sanitary sewer easement lines as shown in Book of Maps 1981, p. 223.

Adopted this the 3rd day of May, 1983.

STREET CLOSINGS - RALEIGH MINI-TRIATHLON - REFERRED TO THE PUBLIC WORKS COMMITTEE

Jerry W. Leonard, representing Raleigh Mini-Triathlon Committee, was at the meeting indicating they would like to stage this event on June 11, 1983, beginning at 8:30 a.m. He indicated this is a sequence of swimming, bicyclicing and running events and will appeal to even the non-serious athlete. He indicated he was at the meeting to ask Council permission to use certain City streets for this purpose explaining that the proceeds would be given to Recycle Raleigh for Fuel and Food, a charity. He explained the route the event will utilize pointing out a lot of people have taken interest in this event. He explained it will be a family or group type affair. He indicated he had talked with the owners of Silver Lake and the people in control of Lassiter Mill and all have agreed. He indicated when he made this request to the City Clerk's Office, he was told to talk with the Police Department and convince them that it could be done safely. He stated he had done this and thought he had their permission; however, he had read the Police Department's report which indicated the police did not feel that they could be responsible for the safety of participants due to the length of the event unless they could close down the route entirely and exclude traffic. It was pointed out some of the streets that will be crossed or utilized are some of the busiest streets in the City. The bicycle portion of the event is what will spread the event out for quite some distance. Therefore, the Police Department feels it will either be unsafe for participants or will be disruptive to the traffic system within the City. He indicated when he talked with the police he was told that he would need about 15 off-duty police officers and they can handle that as people have agreed to donate money to pay for this. He stated he feels it can be done safely and pointed out this is a very worthwhile event and the proceeds will go to a good charity. He indicated they would be willing to limit the participants to 15 years of age. He stated they have proposed to leave the streets open and utilize the off-duty police officers at the major intersections. He indicated in his opinion, there will be no more than a half to two-thirds of the field that will be serious or competitive contenders and that would be the only portion of the race that the streets would be closed. He stated they would advise the latter portion of this event that they were on their own. He indicated they did not feel the streets would be closed that long and they would anticipate that Avent Ferry would be closed at the most for 15 minutes, Hillsborough - 20 minutes, Glenwood - 25 minutes. He indicated this would allow at least two-thirds of the field to get through and then the streets could be opened. City Manager Zachary read portions of Police Chief Heineman's memo.

Mr. Walters indicated before the Mayor left the meeting, he had requested that possibly this item be studied in a Committee and after a brief discussion by general consensus, THE REQUEST FOR THE RALEIGH MINI-TRIATHLON WAS REFERRED TO THE PUBLIC WORKS COMMITTEE.

MEMORIAL AUDITORIUM - REQUEST FOR RENT-FREE USE - REMOVED

Ms. Maude Greenfield had requested rent-free use of Memorial Auditorium on August 7, 1983, for a concert to benefit a burn victim who is now an invalid confined to a wheelchair. Ms. Greenfield was not at the meeting; therefore, the item was removed with no action taken.

ROAD RACE - NCDOT - APPROVED CONDITIONALLY

Mark M. Boggs, representing the North Carolina Department had requested permission to utilize City Streets for a road race as a part of the National Transportation Week activity. The race is scheduled for Saturday, May 21, at 9 a.m. The City Clerk reported that Mr. Boggs had to be out of town today and did not know if he would be back in time for the meeting. City Manager Zachary indicated this is the fourth annual Department of Transportation Road Race along portions of City streets. The race, as planned, will involve portions of Method and Burrell Roads and some streets on NCSU campus. Only 40 to 50 participants are anticipated. The Police Department has no objection to this race being conducted along City streets. NC State campus police and on-duty police will be monitoring the area. No problems are anticipated and the employment of off-duty officers is not necessary. Only minimum police assistance will be needed and such can be provided by on-duty personnel without difficulty. Mr. Upchurch MOVED APPROVAL OF THE NCDOT RACE AS OUTLINED. His motion was seconded by Mr. Upchurch and passed unanimously. MAYOR PRO TEM RULED THE MOTION ADOPTED.

STREET IMPROVEMENTS - REQUEST FOR COMPENSATION FOR DAMAGES - REFERRED TO PUBLIC WORKS COMMITTEE

William P. Pinna has requested permission to appear relating to his request for compensation and repair to property that was subject to construction of curbs, gutters and paving and was not properly graded and seeded which resulted in severe erosion problems and driveway problems. Mr. Pinna was not at the meeting and the clerk indicated this is a complicated issue and Mr. Pinna had requested that it be referred to Committee. City Manager Zachary indicated Administration concurs with this suggestion. WITHOUT FURTHER DISCUSSION, THE ITEM RELATING TO DAMAGES IN CONNECTION WITH STREET CONSTRUCTION WAS REFERRED TO PUBLIC WORKS COMMITTEE.

CAMP DURANT - REQUEST TO SERVE BEER - DENIED

Pete Spinden, representing Raleigh Community Hospital, was at the meeting requesting permission to serve beer at the employees' picnic on Sunday, May 15, 1983, from 12 noon to 6 p.m. at Camp Durant. He indicated they expect about 400 people and they will have police on duty, emergency rescue services, etc. He indicated they have held an employees' picnic for the last four years and have served beer without any adverse effects. He indicated these were not held at Camp Durant. Brief discussion took place with Mayor Pro Tem Walters pointing out we have had several requests such as this in the past and they have been denied. Mr. Upchurch indicated he realizes this is a worthy organization but he does have problems in allowing beer at Camp Durant; therefore, HE WOULD MOVE THAT THE REQUEST TO SERVE BEER AT CAMP DURANT BE DENIED. His motion was seconded by Mr. Keller and put to a vote which resulted in all members voting in the affirmative except Mr. Jordan and Mr. Calloway who voted in the negative. MAYOR PRO TEM WALTERS RULED THE MOTION ADOPTED.

ROAD RACE - RALEIGH COMMUNITY HOSPITAL - APPROVED

Pete Spinden, representing Raleigh Community Hospital, was at the meeting to request permission to utilize City streets for a 500 meter road race on Monday, June 6, between 6:30 p.m. and 7:30 p.m. p.m. He briefly explained the route that will be utilized pointing out they intend to post officers at the corner of Navaho and Executive, Bush and Navaho, Bush and Wolfpack and one at the end of Tarheel Drive at its intersection with New Hope Church Road. He explained they expect to have between 200 and 300 participants and ample parking would be provided by the hospital. City Manager Zachary indicated the Police Department has no objection to this run being conducted along City streets. Sponsors have agreed to employ 4 off-duty officers for traffic control and security and with this arrangement, there should be no problems should the run be conducted as planned. Mr. Upchurch MOVED THAT THE COUNCIL GRANT PERMISSION TO UTILIZE CITY STREETS FOR THE RACE AS OUTLINED. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. MAYOR PRO TEM WALTERS RULED THE MOTION ADOPTED.

ANNEXATION - PLEASANT RIDGE ESTATES - CITY CLERK TO CHECK SUFFICIENCY

The Agenda indicated a petition has been received for the contiguous annexation of a portion of Pleasant Ridge Estates. The next step, if the Council so desires, WOULD DIRECT THE CLERK TO CHECK THE SUFFICIENCY OF THE PETITION AND SCHEDULE A PUBLIC HEARING. Mr. Calloway moved the recommendation as outlined be upheld. His motion was seconded by Mr. Keller and passed unanimously. MAYOR PRO TEM WALTERS RULED THE MOTION ADOPTED.

LAKEMONT LAKE - REFERRED TO REAL ESTATE COMMITTEE

Greg Ellerson had requested permission to discuss the Lakemont Lake situation. Mr. Ellerson expressed appreciation to the Council Members who came out at his invitation and looked at the lake. He indicated he is representing the neighbors of the Lakemont Subdivision and all he has tried to do is to get the Council out to look at

the situation. Mr. Ellerson indicated at about 1 a.m. last night while he was at work, his life had been threatened over this issue. He stated this seems ironic since all he is trying to do is improve the area. He presented a petition which he indicated was signed by 304 people urging the Council to save this lake and let the swim club function as it is supposed to function. He indicated he only asked 306 people to sign the petition. He explained this lake has been used by thousands of people before the subdivision was even built and explained the previous owner, Peanut Doak will speak about the lake. He urged the Council to go through the petition and come out and see just what everyone is talking about. He pointed out this lake is fed by three creeks, natural springs and the City has three drainage pipes going into it. He stated all he wants is for the lake to be restored for the betterment of the community and to be a place for people to come on foot and utilize. He stated they don't want the City to spend hundreds of thousands of dollars, just get it back into condition that it can be utilized. He indicated if Lakemont Club can't afford to take care of the lake then the City should. He stated they never have had any money and never will have the money to do what is being required. He pointed out a majority of the stock holders in Lakemont Club live outside the community. He stated as a neighbor, he wants them to keep the club but he wants the lake restored, pointing out it has meant a lot to the club and the entire North Raleigh area. He stated everyone in the area knows that the lake was built to be a bass farm.

Peanut Doak indicated this area was operated as a day camp for nine years. He explained how the lake came about and called on the Council to take into account the future of this beautiful spot. Mr. Doak indicated the people who built the lake also built the neighborhood and the lots that back up to the lake were sold at a higher price. He indicated we do have problems all over town with small lakes and referred to Boone's Pond on Lake Boone Trail and indicated he did not want to see Lakemont end up like that.

Jim Smith, a member of the Lakemont Club, asked to be heard. Mayor Pro Tem Walters indicated before the Mayor left the meeting, he had indicated he had had a request and would ask the Council to honor the request for a representative of Lakemont to speak. Mr. Smith indicated Lakemont Club didn't come with a proposal to the City Council. He indicated he was at the meeting in response to Mr. Ellerson's comments in the neighborhood. He indicated he just wanted the Council to know that Lakemont Club is not in any adverse relationship with the other landowners in the neighborhood. He indicated the club too, would like to have the lake preserved pointing out the problem is it will take a great deal of money. He pointed out he did not understand Mr. Ellerson's comment about a threat to his life as the club is not in an adverse position with Mr. Ellerson. He pointed out, Lakemont Club has a substantial mortgage and the Lake just cannot be given away without consulting the mortgagor, etc. He indicted the members of the club are willing to work with the City in any way to save this beautiful lake. He stated the area does have potential for the whole City pointing out it is a fishing lake and they can foresee something like a jogging trail or a bike trail around the lake, etc. He stated he was not at the meeting to make a proposal as he was at the meeting unofficially representing the board of directors. He stated the board has not taken any position. He explained there is possible access to the lake from Latimer Road, and they feel they could make access available from Pinecroft. He stated Lakemont Club cannot come up with the $70,000 to preserve this lake and they do not know what could be done. He stated they could just come in and knock it down and it would be lost forever, but they really do not want to do that. He stated if they have to let the lake go, they will let it go. He pointed out they felt they had to lower the lake because they do not want to cause any harm to the lower property owners. He pointed out as he understands it the dam is no immediate threat to anyone but it could be in the future. He indicated he was just at the meeting to ask the Council to work with them if at all possible. After brief discussion, Mr. Upchurch MOVED THAT THE LAKEMONT LAKE ISSUE BE REFERRED TO THE REAL ESTATE COMMITTEE. His motion was seconded by Mr. Jordan. Mr. Edwards indicated we are looking at a tremendous cost factor. He indicated when he talked to Mr. Ellerson, he told him if he could show a cost benefit for the City, maybe the City could do something. He stated, however, there are some real engineering problems in this area. Mr. Jordan indicated he remembered as a kid going fishing at Boones Lake. He indicated he feels it is very unfortunate that that lake has gone by the wayside and he feels it will be unfortunate if the City sits back and lets all of the small lakes like this disappear from the City. Mr. Keller questioned the size of the lake and acreage and what we are talking about as far as the lake and surrounding land. He stated he would like for this information to be reported to the Real Estate Committee. There being no further discussion, the motion as stated was put to a vote and passed unanimously. MAYOR PRO TEM RULED THE MOTION ADOPTED.

ROAD RACE - RUN FOR THE OAKS - AUTHORIZED

Ray Fulgham, representing the Parks and Recreation Department, explained in connection with Parks and Recreation Month, the City Parks and Recreation Department would like to host a 5K road race known as "Run for the Oaks." He explained this event is scheduled for Saturday, June 25, and would be sponsored by the Holiday Inn, American Express and Computer 2000 in connection with the North Carolina Race Runners Club to be assisted by the City's Parks and Recreation Department. Mr. Fulgham explained the route for the race which would start at the Holiday North, utilize US 1 North, Glenridge Drive, Brentwood Road, Fordham Lane and back to the Holiday Inn North. He indicated they plan to cut the race off at 1,000 participants. He explained this is a big race and has some of the largest prizes ever awarded in a road race in North Carolina. He pointed out the net proceeds from the race will be used to purchase shade trees to be planted on the streets of Raleigh. He explained he understood the Police Department did have some problems with the US 1 portion of the

event. City Manager Zachary indicated the sponsors have agreed to provide police service to ensure the safety of participants; therefore, it is felt that the race can be conducted without difficulty. The Police Department has no objections to this race being conducted with the understanding that event sponsors should employ off-duty police officers for traffic control and should provide, install and remove any traffic cones and/or barricades as needed. Brief discussion took place and Mr. Upchurch MOVED AUTHORIZATION OF THE RACE AS OUTLINED. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR PRO TEM RULED THE MOTION ADOPTED.

ASSESSMENT - NC 50 APPROVED

Auther Sandman, representing Development Associates, Inc., was at the meeting and explained that they developed a subdivision that backs up to Highway 50 sometime back. He indicated they were required to put a water line in Highway 50 according to the subdivision plan. He indicated at that time they agreed to put the line in and pay for it but deferred putting the line in and put up security until such time as the main could be installed and put into operation. He stated now the City has installed a water line in Highway 50 and they would like to amend their agreement and let the City assess them. City Manager Zachary indicated that Mr. Sandman's company was allowed to place security in the form of two lots in the hands of the City until such time as the main in US 50 could be installed. Subsequent to that an assessment project was entered into and an associated construction contract was awarded for the installation of a 12-inch water main in question in NC 50. The suggestion of Mr. Sandman that they accept the assessment rate and pay it in full and accept the full frontage assessment for their property without any secondary frontage exemption is suggested and concurred with by the Public Utilities Department. Brief discussion took place and Mr. Upchurch MOVED APPROVAL OF THE ASSESSMENT AS OUTLINED. His motion was seconded by Ms. Babb and passed unanimously. MAYOR PRO TEM RULED THE MOTION ADOPTED.

ANNEXATION - PORTION OF GREYSTONE - CITY CLERK AUTHORIZED TO CHECK SUFFICIENCY

The City Clerk indicated she had received a petition for the contiguous annexation of approximately 80 acres of the Greystone Subdivision area. She stated in order to avoid delaying this she would suggest THAT THE CITY COUNCIL DIRECT HER TO CHECK THE SUFFICIENCY OF THE PETITION AND SCHEDULE A PUBLIC HEARING IF THE PETITION IS FOUND SUFFICIENT. Mr. Edwards moved the Clerk's recommendation be upheld. His motion was seconded by Ms. Babb and passed unanimously. MAYOR PRO TEM RULED THE MOTION ADOPTED.

UNFIT BUILDINGS AND DWELLINGS UNFIT FOR HUMAN HABITATION

None.

MATTERS SCHEDULED FOR PUBLIC HEARING

PU-1983-6 - BLAND ROAD - HEARING - RESOLUTION ADOPTED

This was a hearing to consider installation of approximately 650 feet of 8-inch sanitary sewer main in Bland Road between Wake Forest Road and Trently Court with assessment by the front footage basis to apply. Assistant Public Utilities Director Simmons explained the project. Mayor Pro Tem Walters opened the hearing.

Mrs. David Jones, 5744 Forest Ridge Road, indicated she had just recently purchased this piece of property. She stated they already have sewer service from Wake Forest Road and questioned if they would have to pay for the sewer in Bland Road. Mr. Simmons explained the 150 foot exemption that the City allows.

Walter Brown indicated he has lived on this street since 1948 and questioned if the water line would go in the center of Bland Road or if the City would take more of his property. Mr. Simmons indicated it is proposed for the sewer line to go along the north side of the pavement but within the City right-of-way. No one else asked to be heard; thus, the hearing was closed. Mr. Calloway MOVED ADOPTION OF A RESOLUTION DIRECTING PU-1983-6 AS ADVERTISED. His motion was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. MAYOR PRO TEM WALTERS RULED THE MOTION ADOPTED. See Resolution 230.

PU-1983-3 - OWENS LANE - HEARING - RESOLUTION ADOPTED

This was a hearing to consider the installation of approximately 360 feet of 6-inch water main to replace existing 2-inch main in Owens Lane between Fitzgerald Drive and Bunche Drive with assessment on the front footage basis to apply. Assistant Public Utilities Director Simmons explained the project. Mayor Pro Tem Walters opened the hearing. No one asked to be heard; thus, the hearing was closed. Mr. Calloway MOVED ADOPTION OF A RESOLUTION DIRECTING PU-1983-3 AS ADVERTISED. His motion was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. THE MAYOR PRO TEM RULED THE MOTION ADOPTED. See Resolution 230.

PU-1983-4 - SANDERFORD ROAD PARK AREA - HEARING - RESOLUTION ADOPTED

This was a hearing to consider the installation of approximately 1,502 feet of a 8-inch sanitary sewer main beginning at the dead end of the existing main in Sanderford Road Park and extending southward, with assessment against the abutting front footage basis to apply. Assistant Public Utilities Director Simmons explained the project. Mayor Pro Tem Walters opened the hearing.

Carl Underhill, 3027 Rock Quarry Road, questioned the location of the actual installation. Mr. Simmons indicated it would be on the east side of the stream running all the way through Mr. Underhill's property. He indicated if the project is approved, the City would have to acquire the necessary 20-foot easement as well as a 10-foot construction easement for the line to be installed. No one else asked to be heard; thus, the hearing was closed.

Mr. Upchurch MOVED ADOPTION OF A RESOLUTION DIRECTING PU-1983-4 AS ADVERTISED. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. MAYOR PRO TEM WALTERS RULED THE MOTION ADOPTED. See Resolution 230.

PU-1983-5 - CREECH ROAD - HEARING - RESOLUTION ADOPTED

This was a hearing to consider the installation of approximately 65 feet of 12-inch water main in Creech Road beginning at its present dead end and extending southward with assessment on the front footage basis to apply. Assistant Public Utilities Director Simmons explained the project. Mayor Pro Tem Walters opened the hearing. No one asked to be heard; thus, the hearing was closed. Mr. Upchurch MOVED ADOPTION OF A RESOLUTION DIRECTING PU-1983-5 AS ADVERTISED. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. MAYOR PRO TEM WALTERS RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) 230

A RESOLUTION TO DIRECT THAT THE WATER AND SEWER SYSTEM OF THE CITY OF RALEIGH BE EXTENDED AND TO ASSESS COST AGAINST LAND ASSESSABLE THEREFOR

WHEREAS, by virtue of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to direct that improvements be made and the cost thereof assessed against abutting property assessable therefor; and

WHEREAS, a preliminary resolution has been adopted by the City Council and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property pursuant to Article 10 of Chapter 160A of the General Statutes of North Carolina:

(a) PU 1983-3 - Installation of 360 feet of six-inch water main to replace existing two-inch water main in Owens Lane from Fitzgerald Drive to Bunche Drive.

(b) PU 1983-4 - Installation of approximately 1,502 feet of eight-inch sewer main beginning at the dead end of the existing main in Sanderford Road Park and extending southward 1,504 feet with an easement.

(c) PU 1983-5 - Installation of approximately 65 feet of 12-inch water main within Creech Road beginning at the present dead end and extending southward 65 feet± to the City Limits.

(d) PU 1983-6 - Installation of 650 feet of eight-inch sanitary sewer main in Bland Road between Wake Forest Road and Trently Court.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to provisions of Part 8, Chapter 2, article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessment will be made according to the following method: Front footage of property abutting the extension.

Section 3. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Adopted: 5/3/1983

COMMUNITY DEVELOPMENT - BUDGET AND ACTIVITIES FOR FY 83-84 - SUBMISSION APPROVED

This was a hearing to receive public input concerning the proposed Community Development budget and activities for FY 83-84. Community Development Director Wray presented the proposed budget which included $259,916 for acquisition and program support; $41,440 for clearance/property management and program support; $154,365 for relocation and program support; $474,949 for rehab and program support; economic development - $280,000; public facilities improvements - $141,767; code enforcement - $33,500; planning - $97,246; administration - City - $187,183; Raleigh Housing Authority - $43,558; contingency - $116,076 for a total anticipated budget of $1,830,000.

Mr. Wray indicated they did include an allocation for Meals on Wheels and Homemaker Home Health Aid Service at the same level as last year. He indicated they do not show in this budget as they will be continued through other budgets that are being carried forward. Mayor Pro Tem Walters opened the hearing.

John P. Green, 802 South East Street, Chairman of the Central CAC and Community Development Committee of RCAC, indicated he sees some adjustments from the budget that was given to the CAC in the budget being presented tonight. He indicated there is no indicated of how much will be spent in the original CD areas and how much will be spent in the new CD areas. He indicated they would like to see the original CD areas finished first before bringing on new areas. He requested that all possible consideration be given to allocations to the original CD areas so they will be completed.

John Shanault, representing Meals on Wheels, expressed appreciation to the Council for previous appropriations and for being included in this year's budget. He indicated the only thing they are uneasy about is Mr. Wray's comments that their allocation will be for money carried forward from other budgets. He indicated his concern is that if the money hasn't been used and is brought forward from last year that maybe someone feels that they do not need it. Community Development Wray indicated they budget so much money for staff cost for each of the items. He indicated if all of the staff cost is not used up then it is carried forward. He indicated it is not a matter of spending money and having to send it back to Washington, as the City of Raleigh is about 94 percent expended. Mr. Wray, in response to questions from Mr. Green, indicated they do not project any new redevelopment areas. He stated the only thing that has been added is the Downtown Needs Redevelopment area. He indicated they did project a concentrated target area pointing out a significant amount of this money will be in the concentrated area. He stated, however, money will be spend in the South Park area.

Dennis Gabrial indicated he lives in Wake Forest but will be moving to Raleigh. He indicated the percentage of Administrative costs versus the percentage of the total budget does not seem to be in proportion. He questioned what is the percentage of the Administrative Cost to the total budget. Mr. Wray indicated this can be figured in a number of ways but the Administrative cost is 18 percent of the total budget. He indicated we are spending money from other project years and the total staff cost runs about 36 percent of the entire budget.

Mary Jo Littlewood, representing Homemaker Home Health Aid, indicted they are grateful that they will be continued at the present level which is $24,480. She indicated they are concerned when they do not see a line item in the budget for them and they just wanted to see something in writing. Mr. Wray indicated he would be glad to furnish information in writing. Mr. Jordan SUGGESTED THAT COMMUNITY DEVELOPMENT DIRECTOR FURNISH THE TWO SOCIAL PROGRAMS A LETTER INDICATING WHAT THEIR ALLOCATION WILL BE. No one else asked to be heard; thus, the hearing was closed. Mr. Jordan MOVED APPROVAL OF THE COMMUNITY DEVELOPMENT BUDGET AND ACTIVITIES FOR SUBMISSION IN OUR FY 83-84 APPLICATION. His motion was seconded and a roll call vote resulted in all members voting in the affirmative. After brief discussion on the carry forward items, the motion as stated was put to a vote which resulted in all members voting in the affirmative. MAYOR PRO TEM WALTERS RULED THE MOTION ADOPTED.

MATTERS SCHEDULED FOR PUBLIC HEARING BEFORE THE CITY COUNCIL AND THE PLANNING COMMISSION

The City Council went into a joint hearing with the Planning Commission at 9 p.m. to consider various text changes as advertised. The items heard during that portion of the meeting will be covered in a separate set of minutes.

Gail G. Smith
City Clerk

dg/night